

**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
JOSHUA KLIPP, )  
Appellant(s) )  
vs. )  
SAN FRANCISCO PUBLIC WORKS )  
BUREAU OF URBAN FORESTRY, )  
Respondent

Appeal No. **21-076**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on August 13, 2021, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on July 30, 2021 to BART, of a Public Works Order (Approval to remove 32 trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater in value; tree replacement is required wherever feasible and shall be planted with at least 36-inch box trees.) at 333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.

**APPLICATION NO. 205249**

**FOR HEARING ON October 27, 2021**

Address of Appellant(s):

Address of Other Parties:

<p>Joshua Klipp, Appellant(s) 884 Kansas Street San Francisco, CA 94107</p>	<p>BART, Determination Holder(s) c/o Byron Toma &amp; Sterling Rouston-Thomas, Attorneys for Determination Holder(s)</p>
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**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
LANCE CARNES, )  
Appellant(s) )  
vs. )  
SAN FRANCISCO PUBLIC WORKS )  
BUREAU OF URBAN FORESTRY, )  
Respondent

Appeal No. **21-077**

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**APPLICATION NO. 205249**

**FOR HEARING ON October 27, 2021**

Address of Appellant(s):

Address of Other Parties:

<p>Lance Carnes, Appellant(s) 722 Lombard Street, Apt 201 San Francisco, CA 94133</p>	<p>BART, Determination Holder(s) c/o Byron Toma &amp; Sterling Rouston-Thomas, Attorneys for Determination Holder(s)</p>
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**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
PARKMERCED ACTION COALITION, )  
Appellant(s) )  
vs. )  
SAN FRANCISCO PUBLIC WORKS )  
BUREAU OF URBAN FORESTRY, )  
Respondent

Appeal No. **21-078**

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**APPLICATION NO. 205249**

**FOR HEARING ON October 27, 2021**

Address of Appellant(s):

Address of Other Parties:

Parkmerced Action Coalition, Appellant(s) c/o Glenn Rogers, Agent for Appellant(s) 3425 Alemany Boulevard San Francisco, CA 94132	BART, Determination Holder(s) c/o Byron Toma & Sterling Rouston-Thomas, Attorneys for Determination Holder(s)
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**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
DAVID ROMANO and DEANNE DELBRIDGE, )  
Appellant(s) )  
vs. )  
SAN FRANCISCO PUBLIC WORKS )  
BUREAU OF URBAN FORESTRY, )  
Respondent

Appeal No. **21-079**

**NOTICE OF APPEAL**

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**APPLICATION NO. 205249**

**FOR HEARING ON October 27, 2021**

Address of Appellant(s):

Address of Other Parties:

<p>David Romano and Deanne Delbridge, Appellant(s) 759 La Playa Street, Apt 1 San Francisco, CA 94121</p>	<p>BART, Determination Holder(s) c/o Byron Toma &amp; Sterling Rouston-Thomas, Attorneys for Determination Holder(s)</p>
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Date Filed: August 13, 2021

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-076**

I / We, **Joshua Klipp**, hereby appeal the following departmental action: **ISSUANCE** of **Public Works Order No. 205249** by the **San Francisco Public Works Department** (allowing for the removal of 32 trees) which was issued or became effective on: **July 30, 2021**, to: **Bay Area Rapid Transit (BART)**, for the properties located at: **333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street**.

**BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **October 7, 2021, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [mdana@bart.gov](mailto:mdana@bart.gov) and [Stephen.keller@sfdpw.org](mailto:Stephen.keller@sfdpw.org).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 21, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [the other parties](#).

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

**Only photographs and drawings may be submitted by the parties at the hearing.**

Hearing Date: **Wednesday, October 27, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date. (Should the hearing take place at SF City Hall, the parties will be given advance notice).

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Joshua Klipp, Appellant, filed this appeal by email.



San Francisco Public Works  
General – Director’s Office  
49 South Van Ness Ave., Suite 1600  
San Francisco, CA 94103  
(628) 271-3160 [www.SFPublicWorks.org](http://www.SFPublicWorks.org)

### Public Works Order No: 205249

This Order supersedes Order No. 205193, 205194, 205195, 205197, 205198, 205199, 205200, 205201, 205202, 205203. The only change to these Orders is that they have been consolidated into one Order.

The Director of Public Works held a Public Hearing on Monday, June 28, 2021, commencing at 5:30 p.m. via teleconference to consider several items related to tree removals.

The hearing was to consider:

- Order No. 204933, the removal four (4) street trees without replacement at 333 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204934, the removal four (4) street trees without replacement at 380-388 Market Street (1 Pine Street). Staff approved the removal, and the public has protested.
- Order No. 204935, the removal four (4) street trees without replacement at 540-550 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204936, the removal four (4) street trees without replacement at 553-575 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204937, the removal three (3) street trees without replacement at 595 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204938, the removal one (1) street tree without replacement at 643 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204939, the removal two (2) street trees without replacement at 801-825 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204940, the removal two (2) street trees without replacement at 865 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204941, the removal four (4) street trees without replacement at 901 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204942, the removal four (4) street trees without replacement at 1145-1155 Market Street. Staff approved the removal, and the public has protested.

#### Findings:

Tree removal was approved for the construction of canopy structures over the BART/MUNI entrances.

At the hearing, Bureau of Urban Forestry (BUF) stated that the trees proposed for removal range from fair to poor condition in health and structure. The trees are showing evidence of decline due to soil compaction, wind exposure, low live crown ratio, leaning, biotic and abiotic factors. Several trees have been vandalized in the past and have reached their full growing potential. In anticipation for the Better Market Street Project, empty tree basins have been kept open or have been paved over.

At the hearing, the BART representative, Mark Dana, testified that the trees needed to be removed due to the construction of the new BART/MUNI canopy entrances. The new entrances would provide many benefits to the community including the ability providing security and protection. He stated the main reason to remove the

trees was a matter of public safety and that the proximity of the trees to the new canopies creates a hazard for access to the top of the entrances.

Several members the public strongly contested the removal due to the good health of the trees, the value of the trees to combat the climate crisis, the issues of mass transit and the destruction of trees, that the trees have been poorly maintained, that the design should have incorporated the existing trees, and because the trees provide a habitat for the Western Swallowtail Butterfly.

**Recommendation:**

After consideration of correspondence and testimony provided at the hearing, the recommendation is to uphold and approve the decision to remove all thirty-two (32) street trees.

If trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu or the appraised value shall be assessed, whichever is greater in value. Tree replacement is required wherever feasible and shall be planted with at least 36" box trees.

**Appeal:**

This Order may be appealed to Board of Appeals within 15 days of July 30, 2021.

Board of Appeals

49 South Van Ness Ave. suite 1475 (14<sup>th</sup> Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: [Boardofappeals@sfgov.org](mailto:Boardofappeals@sfgov.org)

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X

DocuSigned by:



Degrafinied, Alan

Acting Director



Date Filed: August 13, 2021

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-077**

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I / We, **Lance Carnes**, hereby appeal the following departmental action: **ISSUANCE** of **Public Works Order No. 205249** by the **San Francisco Public Works Department** (allowing for the removal of 32 trees) which was issued or became effective on: **July 30, 2021**, to: **Bay Area Rapid Transit (BART)**, for the properties located at: **333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street**.

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Lance Carnes, Appellant, filed this appeal by email.



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General – Director’s Office  
49 South Van Ness Ave., Suite 1600  
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(628) 271-3160 [www.SFPublicWorks.org](http://www.SFPublicWorks.org)

### **Public Works Order No: 205249**

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- Order No. 204942, the removal four (4) street trees without replacement at 1145-1155 Market Street. Staff approved the removal, and the public has protested.

#### **Findings:**

Tree removal was approved for the construction of canopy structures over the BART/MUNI entrances. At the hearing, Bureau of Urban Forestry (BUF) stated that the trees proposed for removal range from fair to poor condition in health and structure. The trees are showing evidence of decline due to soil compaction, wind exposure, low live crown ratio, leaning, biotic and abiotic factors. Several trees have been vandalized in the past and have reached their full growing potential. In anticipation for the Better Market Street Project, empty tree basins have been kept open or have been paved over.

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**Recommendation:**

After consideration of correspondence and testimony provided at the hearing, the recommendation is to uphold and approve the decision to remove all thirty-two (32) street trees.

If trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu or the appraised value shall be assessed, whichever is greater in value. Tree replacement is required wherever feasible and shall be planted with at least 36" box trees.

**Appeal:**

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X

DocuSigned by:



Degrafinied, Alan

Acting Director



Date Filed: August 16, 2021

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-078**

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I / We, **Parkmerced Action Coalition**, hereby appeal the following departmental action: **ISSUANCE** of **Public Works Order No. 205249** by the **San Francisco Public Works Department** (allowing for the removal of 32 trees) which was issued or became effective on: **July 30, 2021**, to: **Bay Area Rapid Transit (BART)**, for the properties located at: **333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street**.

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**The reasons for this appeal are as follows:**

See attachment to the preliminary Statement of Appeal.

Signature: Via Email

Print Name: Glenn Rogers agent for appellant



# Parkmerced Action Coalition

August 13, 2021

## **RE: Parkmerced Action Coalition on Market Street Tree Removal**

Dear Supervisors and Concerned Public,

We are concerned about the removal of trees beside the BART entrance stations. I understand some of the trees requested for removal have been unnecessarily targeted only to make it easier for the removal of the trees of concern. This is the wrong attitude on the part of DPW. At a time when the Heat Island Effect is most understood, allowing more reflective heat into the atmosphere is irresponsible. Instead of DPW protecting the City, they are failing it. The fact some of these trees, adjacent to the demolition zone, are now being allowed to remain, is welcome news, thank you.

Because of the insensitivity of the original plan for tree removal, we ask those in positions of authority to stringently review this current plan. That being said, PmAC would be grateful if the BART canopy entrance project was completely abandoned. Should it not be abandoned, we ask for the replacement of these trees be at a 1/4 ratio, along adjacent streets. This could make the area around Market Street whole again some time off in the future.

The idea of *Green Roofs*, once proposed at BART canopy locations, is an excellent idea. The *Green Roof* located at the Academy of Sciences, was planted with California Native Plants and has dramatically increasing the habitat value there. A maintenance program to sustain these *Green Roofs* is also needed. If these BART canopies are so necessary, why can't they provide a habitat equal or greater to the trees they are replacing?

### **Summary**

It has taken many decades for the Sycamores on Market Street to develop and make this street a grand thoroughfare. As San Franciscans, we need to recognize this and preserve these trees when possible.

Glenn Rogers, **Delegate of Parkmerced Action Coalition**  
Landscape Architect, License 3223

CC: CSFN





San Francisco Public Works  
General – Director’s Office  
49 South Van Ness Ave., Suite 1600  
San Francisco, CA 94103  
(628) 271-3160 [www.SFPublicWorks.org](http://www.SFPublicWorks.org)

### Public Works Order No: 205249

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- Order No. 204941, the removal four (4) street trees without replacement at 901 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204942, the removal four (4) street trees without replacement at 1145-1155 Market Street. Staff approved the removal, and the public has protested.

#### Findings:

Tree removal was approved for the construction of canopy structures over the BART/MUNI entrances.

At the hearing, Bureau of Urban Forestry (BUF) stated that the trees proposed for removal range from fair to poor condition in health and structure. The trees are showing evidence of decline due to soil compaction, wind exposure, low live crown ratio, leaning, biotic and abiotic factors. Several trees have been vandalized in the past and have reached their full growing potential. In anticipation for the Better Market Street Project, empty tree basins have been kept open or have been paved over.

At the hearing, the BART representative, Mark Dana, testified that the trees needed to be removed due to the construction of the new BART/MUNI canopy entrances. The new entrances would provide many benefits to the community including the ability providing security and protection. He stated the main reason to remove the

trees was a matter of public safety and that the proximity of the trees to the new canopies creates a hazard for access to the top of the entrances.

Several members the public strongly contested the removal due to the good health of the trees, the value of the trees to combat the climate crisis, the issues of mass transit and the destruction of trees, that the trees have been poorly maintained, that the design should have incorporated the existing trees, and because the trees provide a habitat for the Western Swallowtail Butterfly.

**Recommendation:**

After consideration of correspondence and testimony provided at the hearing, the recommendation is to uphold and approve the decision to remove all thirty-two (32) street trees.

If trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu or the appraised value shall be assessed, whichever is greater in value. Tree replacement is required wherever feasible and shall be planted with at least 36" box trees.

**Appeal:**

This Order may be appealed to Board of Appeals within 15 days of July 30, 2021.

Board of Appeals

49 South Van Ness Ave. suite 1475 (14<sup>th</sup> Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: [Boardofappeals@sfgov.org](mailto:Boardofappeals@sfgov.org)

NOTE: Board of Appeals office is closed until further notice, due to COVID-19

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X

DocuSigned by:



Degrafinied, Alan

Acting Director



Date Filed: August 16, 2021

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-079**

I / We, **David Romano**, hereby appeal the following departmental action: **ISSUANCE** of **Public Works Order No. 205249** by the **San Francisco Public Works Department** (allowing for the removal of 32 trees) which was issued or became effective on: **July 30, 2021**, to: **Bay Area Rapid Transit (BART)**, for the properties located at: **333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street**.

**BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **October 7, 2021, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [mdana@bart.gov](mailto:mdana@bart.gov), [murke@bart.gov](mailto:murke@bart.gov) and [stephen.keller@sfdpw.org](mailto:stephen.keller@sfdpw.org).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 21, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [stephenkeller@sfdpw.org](mailto:stephenkeller@sfdpw.org) and [droma4@gmail.com](mailto:droma4@gmail.com)

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

**Only photographs and drawings may be submitted by the parties at the hearing.**

Hearing Date: **Wednesday, October 27, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date. (Please note: Should the City's Health Orders permit in-person hearings, the Board reserves the right to hold the hearing at SF City Hall. Advance notice shall be provided to the parties.)

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org). Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at [www.sfgov.org/boa](http://www.sfgov.org/boa). You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

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**The reasons for this appeal are as follows:** Not Submitted.

Print Name: David Romano, Appellant

Signature: Via Email



San Francisco Public Works  
General – Director’s Office  
49 South Van Ness Ave., Suite 1600  
San Francisco, CA 94103  
(628) 271-3160 [www.SFPublicWorks.org](http://www.SFPublicWorks.org)

### Public Works Order No: 205249

This Order supersedes Order No. 205193, 205194, 205195, 205197, 205198, 205199, 205200, 205201, 205202, 205203. The only change to these Orders is that they have been consolidated into one Order.

The Director of Public Works held a Public Hearing on Monday, June 28, 2021, commencing at 5:30 p.m. via teleconference to consider several items related to tree removals.

The hearing was to consider:

- Order No. 204933, the removal four (4) street trees without replacement at 333 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204934, the removal four (4) street trees without replacement at 380-388 Market Street (1 Pine Street). Staff approved the removal, and the public has protested.
- Order No. 204935, the removal four (4) street trees without replacement at 540-550 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204936, the removal four (4) street trees without replacement at 553-575 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204937, the removal three (3) street trees without replacement at 595 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204938, the removal one (1) street tree without replacement at 643 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204939, the removal two (2) street trees without replacement at 801-825 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204940, the removal two (2) street trees without replacement at 865 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204941, the removal four (4) street trees without replacement at 901 Market Street. Staff approved the removal, and the public has protested.
- Order No. 204942, the removal four (4) street trees without replacement at 1145-1155 Market Street. Staff approved the removal, and the public has protested.

#### Findings:

Tree removal was approved for the construction of canopy structures over the BART/MUNI entrances. At the hearing, Bureau of Urban Forestry (BUF) stated that the trees proposed for removal range from fair to poor condition in health and structure. The trees are showing evidence of decline due to soil compaction, wind exposure, low live crown ratio, leaning, biotic and abiotic factors. Several trees have been vandalized in the past and have reached their full growing potential. In anticipation for the Better Market Street Project, empty tree basins have been kept open or have been paved over.

At the hearing, the BART representative, Mark Dana, testified that the trees needed to be removed due to the construction of the new BART/MUNI canopy entrances. The new entrances would provide many benefits to the community including the ability providing security and protection. He stated the main reason to remove the

trees was a matter of public safety and that the proximity of the trees to the new canopies creates a hazard for access to the top of the entrances.

Several members the public strongly contested the removal due to the good health of the trees, the value of the trees to combat the climate crisis, the issues of mass transit and the destruction of trees, that the trees have been poorly maintained, that the design should have incorporated the existing trees, and because the trees provide a habitat for the Western Swallowtail Butterfly.

**Recommendation:**

After consideration of correspondence and testimony provided at the hearing, the recommendation is to uphold and approve the decision to remove all thirty-two (32) street trees.

If trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu or the appraised value shall be assessed, whichever is greater in value. Tree replacement is required wherever feasible and shall be planted with at least 36" box trees.

**Appeal:**

This Order may be appealed to Board of Appeals within 15 days of July 30, 2021.

Board of Appeals

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X

DocuSigned by:



Degrafinied, Alan

Acting Director

APPELLANT(S) BRIEF FOR APPEAL NO. 21-076

**Joshua Klipp vs. SFPW-BUF; Appeal No. 21-076**

Date Filed: October 7, 2021

Hearing Date: October 27, 2021

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**I. INTRODUCTION**

I, Josh Klipp, respectfully appeal the Department of Public Works' (DPW) decision to remove any tree included on Permit No. 205249 that is in fair condition or better. I respectfully request that any such tree - green infrastructure that was planted and cared for by taxpayer dollars - be allowed to remain in place. I further request that DPW amend its permits to accurately reflect Article 16's minimum planting/fee requirements, and that BART be asked to agree to a remediation plan that, while perhaps exceeding Article 16's antiquated requirements, acknowledges and meets the environmental crises of our day and moves our City forward toward greater climate resilience.

**II. ARGUMENT SUMMARY**

The current permits, as written, fail to follow Article 16's planting requirements, and defraud the people and ecosystems of San Francisco of a required minimum investment to replace the proposed canopy losses. Additionally, allowing tree removal for construction convenience sets a dangerous precedent - a precedent that goes exactly against the dire consequences of climate change and our desperate need for green infrastructure to support climate resilience. Accordingly, I respectfully request that:

- BART's removal permits be overturned as those relate to any tree that is in fair condition;
- Article 16's new construction requirements be applied, at a minimum;

- Any tree-related fee be assessed as if the tree were healthy, because the City is legally required to maintain its street trees' health; and
- BART and the City come up with a more forward thinking strategy that comports with the City's Climate Action needs and the realities of our current and future climate change crises.

### III. FACTUAL BACKGROUND

At 13.7%, San Francisco has the smallest urban canopy of any major city in the United States, and that canopy declines as the rate of removals outpaces the rate of planting.<sup>1</sup> Along the downtown Market Street corridor, San Francisco's main thoroughfare, this percentage is dramatically worse, averaging a distressing 2-4%.<sup>2</sup>

In July 2020, BART submitted applications to remove nearly 50 trees along Market Street near BART entrances where BART plans installation of new entrance canopies.<sup>3</sup> This project was apparently paid for in part by San Francisco Municipal Transit Authority (SFMTA)<sup>4</sup>, and Measure RR funding - a Measure that Bay Area voters approved in November 2016 to raise \$3.5 billion in general obligation bond money to rebuild BART infrastructure.<sup>5</sup>

The basis for BART's tree removal applications was listed as "15LK-140 San Francisco Bay Area Rapid Transit (BART) Market Street Canopies Project".<sup>6</sup> There is no evidence that BART ever considered tree preservation, let alone adequate replacement.

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<sup>1</sup> <https://sfplanning.org/urban-forest-plan>

<sup>2</sup> <https://www.treeequityscore.org/map/#12.15/37.77025/-122.42143>

<sup>3</sup> See demonstrative BART tree removal application here: ■ 1 Market St application.pdf , Exhibit 1.

<sup>4</sup> See June 23, 2021 Email from Carl Holmes, BART, to Appellent.

■ Gmail - BART's Market St tree removals --- does the CTA have jurisdiction\_(edit).pdf , Exhibit 2.

<sup>5</sup> See <https://tinyurl.com/yphfscav>

<sup>6</sup> See Exhibit 1.



As a matter of fact, in February 2020, BART's Tim Chan, Group Manager – Station Area Planning stated that:

“Pursuant to State Law, as a rapid transit district, BART is not subject to local ordinances and regulations of the City of San Francisco, but although the proposed project is not subject to the City and County of San Francisco's Urban Forestry Ordinance (Article 16 of the Public Works Code), BART considers this Code as a useful guide for determining when trees warrant protection or replacement.”<sup>7</sup>

In June 2021, BART represented to me the following reasons for removal:

- “Like BART, the City was/is also concerned about parade loading of the structures and the potential liability these structures pose. The canopies are structurally designed and constructed to take the load of persons who will find a way to the tops of the canopies to watch a parade or attend other events, and who may even try to set up residence there. While we recognize that it is difficult to prevent some acrobatic individuals from accessing the canopy roofs no matter what deterrents we have in place, trees adjacent to the canopies provide a much easier access route to the roofs for a larger number of persons and would create an attractive nuisance and liability for BART and the City.
- In addition to the liability issue, constructability of the structures is also of concern. The laydown and construction areas are limited to a small zone within the sidewalk area. Working around trees to store materials or maneuver materials into place would further impact the contractor's efficiency. Since the

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<sup>7</sup> See February 3, 2020, Email from Tim Chan, BART, to Appellant.  
■ Feb 2020 - BART canopies vs. tree canopies.pdf , Exhibit 3.

contract requires tree removal, the contractor would be right to request additional compensation for the loss of efficiency and associated delay costs.”<sup>8</sup>

In other words, *after* BART designed new flat-topped canopies to take the load of people, it asserted that pre-existing trees now presented a liability because people might climb trees on these flat-topped load-bearing structures. Additionally, BART seeks to remove trees because it is more cost effective to tear them down versus work around them. BART offered no evidence that it had conducted any arboreal review of the trees, or that any proposed removal was for reasons other than what is stated, above.

On June 28, 2021, DPW held a tree removal hearing to consider BART’s tree removal applications. Prior to hearing, DPW had given BART a blanket tree removal approval, and numerous members of the public objected. At hearing, DPW indicated that, of the trees sought for removal by BART, some were in good, fair or poor condition, some had been badly vandalized, and still others were simply empty tree basins that, after the tree occupying that basin had been removed, it was never replaced in anticipation of Better Market Streets.<sup>9</sup>

Following the hearing, DPW approved the removal of 32 trees, but denied removal of certain trees that were not within the footprint of the new canopies. In late July, following the issuance of DPW’s decision, the Sierra Club wrote a letter to City Officials expressing concern over the combined and cumulative impacts of BART / SFMTA / Better Market Street’s plans to remove upwards of 600 trees along the same Market Street corridor.<sup>10</sup> In response, the City indicated that, while it had planned to remove around 767 trees along Market Street, design for only one phase had been

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<sup>8</sup> See Exhibit 2.

<sup>9</sup> <https://youtu.be/5RCjZzhkDwU>

<sup>10</sup> See ■ MarketStreetTreesLetter (1).pdf , Exhibit 4.

completed so far which would necessitate removal of 55 trees, 52 allegedly for poor health, and 3 for infrastructural conflicts.<sup>11</sup> Notably, the City did not indicate that it had abandoned its large-scale tree removal efforts altogether, only that it intended to seek tree removal piecemeal as various project phases were approved.

I and several other members of the public appealed DPW's decision to permit the removal of 32 BART-canopy related trees, and this process ensued.

#### **IV. Argument**

##### A. The Permit, As Written, Violates Article 16's Planting Requirements.

Article 16 Section 806(d) addresses planting requirements in new construction. When a new building is being constructed, this section mandates:

“The Director shall require one Street Tree for each 20 feet of Street frontage of the property containing the development project, with any remaining fraction of 10 feet or more of frontage requiring an additional Tree. Any existing Street Trees located within the public right-of-way along such property that have been protected during construction and that the Director does not recommended (sic) for Removal, shall count toward meeting the requirement.”<sup>12</sup>

It goes on to spell out the standards for these required plantings.

Here, BART intends to install ~19-22 massive structures up and down Market Street.<sup>13</sup> These are not small, temporary installations. They are large structures, each taking up to eight months to construct with massive load-bearing roofs, protective walls, the ability to be locked up at night, and extensive subterranean support columns.

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<sup>11</sup> See [Better Market Street - Sierra Club Letter August 06 2021.pdf](#) , Exhibit 5.

<sup>12</sup> [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_publicworks/0-0-0-4154#JD\\_806](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_publicworks/0-0-0-4154#JD_806)

<sup>13</sup> <https://www.bart.gov/news/articles/2020/news20200123-0>.

Merriam-Webster’s Dictionary defines “building” as “a usually roofed and walled structure built for permanent use” .<sup>14</sup>



It is unclear how anything of this permanent magnitude that is built, installed and maintained over the course of years along our public rights of way, and requiring years of budgets and approvals, would not meet the baseline definition of a “building” under Public Works Code Article 16. Even the installation of a one-car garage triggers Section 806’s planting requirements. Yet here, BART has not been ordered by DPW to plant according to these new construction requirements, but simply pay in lieu fees based on the condition of the trees. This is, in itself, a violation of Article 16, and warrants remedy.

B. The Permits, As Written, Defraud San Franciscans

Article 16 Section 805(a) states,

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<sup>14</sup> <https://www.merriam-webster.com/dictionary/building>

“(a) **Maintenance.** Except as specified in subsection (a)(1), the *City shall as of July 1, 2017, have the duty to Maintain Street Trees*, including Street Trees planted before July 1, 2017.”<sup>15</sup> [Emphasis added].

Here, every tree at issue was the City’s legal responsibility to maintain. And yet, the fees assessed by DPW to BART are repeatedly reduced due to the poor condition of the tree (or the fact that the tree is entirely gone and never replaced). In other words, after the City failed to meet its legal obligation to maintain these trees, it charged BART lower fees because the trees were less valuable as a result of their poor condition. In the end, the biggest losers are the people - and ecosystems - of San Francisco. Ultimately, the people and creatures that live here and rely on urban canopy as an integral aspect of our green infrastructure receive less investment from BART because of the City’s failure to maintain or replace trees as required by law.

C. Allowing Tree Removal for Construction Convenience Sets Dangerous Precedent.

Here, BART has proffered that trees must be removed for the convenience of construction, because it is effectively more complicated (read: more expensive) to ask contractors to work around and protect trees. These new canopies are being constructed along a thoroughfare that is four lanes wide, on public rights of way that stretch roughly 25-50’ across, in an area that averages a pathetic 2-4% tree canopy coverage. If construction without tree removal is impossible under these conditions, it is hard to imagine a situation where tree removal would NOT be warranted anywhere in this City, anytime there is construction.

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<sup>15</sup> [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_publicworks/0-0-0-4139](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_publicworks/0-0-0-4139)

If the standard for tree removal is simply that trees complicate construction (read: involve more cost), then every developer who seeks a removal permit for this same reason would be so entitled, and no tree would deserve preservation if that preservation involves someone actually having to pay for it.

D. Wholesale Tree Removal Without Adequate Remedy to the Environment is Exactly the Wrong Direction For Our Planet or Even San Francisco's Dire Climate Action Needs.

Page 33 of San Francisco's "Focus 2030: A Pathway to Net Zero Emissions July 2019 Report" states, "A business-as-usual approach is not an option if San Francisco is serious about meeting its climate commitments and avoiding the worst consequences of the global climate crisis."<sup>16</sup> And yet that's exactly what this entire process has been with regard to our urban canopy: *business as usual*. Page 31 of that same report references the importance of San Francisco's Urban Forest Plan - a plan that has been functionally abandoned by our City's failure to actually fund the goals set forth therein.

Whatever the applicable law or policy, this plan to wholesale remove trees with no adequate redress that actually considers the reality of our climate circumstance is a bureaucratic failure - and one that generations from now will review with disdain and wonder that we made these sorts of decisions even while our forests burned, cities flooded, hurricanes raged, and ecosystems collapsed.

The United States is currently on track to lose 8.3% of its urban canopy because of plans exactly like this.<sup>17</sup> Yet planting more trees is literally one of the most cost

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<sup>16</sup> [https://sfenvironment.org/sites/default/files/fliers/files/sfe\\_focus\\_2030\\_report\\_july2019.pdf](https://sfenvironment.org/sites/default/files/fliers/files/sfe_focus_2030_report_july2019.pdf)

<sup>17</sup> <https://www.americanforests.org/our-work/urban-forestry/how-many-urban-trees-do-we-need/>

effective means to build our climate resilience.<sup>18</sup> It is worth asking why our leadership cannot meet the day and demonstrate innovation in this single, small but impactful way.

#### E. Tree Removal Is Contrary to Walkable Streets and Safe Access to Mass Transit

It's also worth asking how two mass transit agencies - BART and SFMTA - could utterly fail to consider the impacts of tree removal and inadequate replacement on ridership, when all of the science and research indicates that trees are critical to walkability (e.g. to and from these transit stations).

“Among all the hundreds of physical assets that American cities do or don't invest in, none is as consistently undervalued as street trees. If our leaders were to understand their true worth, street trees would receive many multiples of their current funding. Communicating this worth has to be central to any campaign to improve walkability and urban vitality.” *“Walkable City Rules: 101 Steps to Making Better Places”*, Jeff Speck, p. 186.

This book goes on to list the reasons street trees are essential to improving walkability:

- Street trees protect sidewalks
- Street trees reduce crashes
- Street trees absorb stormwater
- Street trees absorb UV and pollutants
- Street trees reduce urban heat islands
- Street trees improve retail viability

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<sup>18</sup> [https://www.fs.fed.us/psw/news/2011/110308\\_arborday.shtml](https://www.fs.fed.us/psw/news/2011/110308_arborday.shtml),



- Street trees improve public health<sup>19</sup>

From a layperson's perspective, it stands to reason that mass transit ridership may *increase* if the paths of travel to and from a transit station were safer from cars, not full of puddles, shaded from the sun, had cleaner air, and maybe featured butterflies and bird song. Additionally, it seems as if more attractive retail and retail spaces would increase ridership as well. Accordingly, it's not clear why - rather than clear cutting Market Street through the combined BART and Better Market Streets projects - we aren't scrambling for ways to plant as many trees as possible, *especially* as we look for ways to support COVID-impacted retail and retail spaces, and boost mass transit ridership for struggling transit entities like BART and SFMTA.

## V. CONCLUSION

There is no shortage of ways to improve San Francisco's diminutive tree canopy. But rather than do so, we continue to engage in business as usual, to the detriment not only of our shrinking canopy, but to the detriment of the very agency that seeks tree removal. We are bargaining with climate resilience and choosing the path that is more convenient in the short-term rather than the path that moves us toward a more sustainable future. The City of San Francisco and BART have the opportunity here to change this trajectory by making decisions and investments that will not only increase our canopy, but increase ridership, support ecosystems, reduce urban heat islands, provide cleaner air, and improve our community's economic and physical well-being.

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<sup>19</sup> "Walkable City Rules: 101 Steps to Making Better Places", Jeff Speck, pps. 186-187.



Accordingly, I respectfully request that:

- BART's removal permit be overturned as it relates to any tree that is in fair or better condition;
- Article 16's new construction requirements be applied, at a minimum;
- Any tree-related fee be assessed as if the tree were healthy, because the City is legally required to maintain its street trees yet failed to do so; and that
- BART and the City come up with a more forward thinking strategy that comports with the City's Climate Action needs, and the realities of our current and future climate change crises.

Respectfully submitted,

Signature: Josh Klipp /s/

Date: October 7, 2021

APPELLANT(S) BRIEF FOR APPEAL NO. 21-077

## **Lance Carnes vs SFPW/BUF Appeal No. 21-077**

Appellant: Lance Carnes

Respondent: Stephen Keller, SFPW

Date Filed: August 13, 2021

Hearing Date: October 27, 2021

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### **I. Introduction**

Appellant, Lance Carnes, respectfully appeals the Department of Public Works' decision Tree Removal Order 205249, Market St various locations.

### **II. Argument Summary**

I believe the Public Works permit to remove 32 trees on Market Street is a huge mistake because:

- San Francisco has been removing a huge number of mature street trees all over the City and planting very few replacements. Market Street is the latest grand boulevard to be deforested.
- BART has designed station canopies that interfere with many existing, mature trees that provide human and environmental benefits
- BART wants to remove other trees, even if they don't interfere with the station canopies, just for convenience during construction
- People need street trees for our health and well-being.
- The Market St trees provide a habitat for Western Tiger Swallowtail butterflies that was first discovered on Market Street in the 1980's.

### **III. Factual Background**

A physical inspection of all 32 trees was done by a licensed arborist. A comparison of the arborist's assessment and the BUF Inspector's can be found in Exhibit 2.

The result:

Our arborist: 20 of 32 can remain (some with minor pruning)

BUF Inspector: 17 of 32 can remain (not 'poor' condition)

### **IV. Argument**

Based on professional assessments from our arborist and from the BUF Inspector, the BART canopy project can be completed leaving 17--20 trees in place.

### **V. Conclusion**

The BART canopy project can succeed without removing 32 street trees. Many trees have already been removed or are dead. Leave the remaining 17--20 trees in place.

Respectfully submitted,

Signature: Lance Carnes /s/ Appellant

Date: October 7, 2021

## **Exhibits**

Exhibit 1. Letter from The Sierra Club

Exhibit 2: Arborist inspection vs BUF Inspection --- 32 Market Street trees

Sierra Club on proposed Market Street tree removals

### **San Francisco Group of the San Francisco Bay Chapter**

28 July 2021

Dear Supervisors, Directors, and Colleagues:

The Sierra Club is deeply concerned about a pair of proposals to remove hundreds of trees from the Market Street area, driving the loss of the street tree canopy and Western Tiger Swallowtail Butterfly habitat on Market Street. It is extraordinary that at a time when the destructive impact of climate change is in the news every day, simple measures are not being implemented to counter the environmental damage of removing trees and established habitat.

**BART Station Canopies:** BART applied to SF's Department of Public Works to remove nearly 50 trees to facilitate installation of its new entrance canopies. While entrance canopies are very welcome, the design of those canopies should accommodate the nearby street trees. These trees not only add to the enjoyment of Market Street for residents and visitors, but also provide habitat for the Western Tiger Swallowtail Butterfly. We understand that SFDPW has denied BART's application with

regard to 12 of these trees because they are not within the footprint of the new BART canopies. We are grateful to SFDPW for this sensible result, and look forward to understanding how BART will adjust its construction practices to align with SFDPW's decision. Additionally, we are informed that BART had previously agreed to install living roofs on its canopies to support the butterfly habitat but has since declined to move forward with this innovation.

**Better Market Street Project:** The last known projected number of trees proposed for removal per the Better Market Street Project was around 600 trees. According to the American Forest's Tree Equity Calculator, this corridor already has a canopy of only 4%. Although some replanting is planned, it will likely not be 1:1 because of new and existing infrastructure. However, even at a 1:1 replacement ratio, one small, immature tree will not replace the environmental benefits of a mature tree until decades have passed. In contrast, science has established that we have only a decade or so for action to secure the 1.5°C goal of the Paris Climate Agreement.

**Proposal:** To combat the impacts of climate change and to provide a positive environment for both visitors and residents, we ask that all proposed removals receive heightened scrutiny, and that agencies adopt a minimum replacement tree replacement ratio of 4:1 – even if this entails planting trees along streets adjacent to Market Street, where BART riders and those enjoying Market Street are likely to traverse. Further, although BART has committed to a canopy design that requires the removal of dozens of trees, BART could acknowledge the error and reverse course. Failing that, BART should minimally commit to a 4:1 replacement ratio and installation of living roofs, including an aggressive long-term maintenance plan for those roofs.

**Conclusion:** San Francisco and the Bay Area strive to be forward-looking and environmentally progressive communities. However, we can only confront climate change through concrete actions that promote and protect environmental health. We look forward to hearing how this tree habitat loss will be addressed.

Sincerely,

Becky Evans, Chair San Francisco Group

—

### **BART**

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### **DPW**

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### **SFMTA (Better Market Streets)**

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Exhibit 2: Arborist inspection vs BUF Inspection

32 Market Street trees

TreeID	BO S	Add r	Street	Sit e	DBH	Common Name	Plant Type	Notes 9/12/21 Physical inspection	BUF inspector
13512	6	333	Market St	6	20	Sycamore, London Plane	Tree	Remove - tree has 45 degree slant	fair condition
13513	6	333	Market St	7	30	Paved Over	Abandoned	Gone	paved over
13514	6	333	Market St	8	35	Sycamore, London Plane	Tree	OK	newly planted tree
13515	6	333	Market St	9	3	Columbia Hybrid Plane Tree	Tree	OK	fair condition
135329	3	380	Market St	5	4	Sycamore, London Plane	Tree	Dead	fair condition
135330	3	380	Market St	6	8	Sycamore, London Plane	Tree	OK - Remove one branch	fair condition
135331	3	380	Market St	7	5	Sycamore, London Plane	Tree	OK	fair condition
135332	3	380	Market St	8	5	Sycamore, London Plane	Tree	Dead	fair condition
13597	3	540	Market St	5	35	Sycamore, London Plane	Tree	OK - Trim 2 small branches	fair to poor condition
13598	3	540	Market St	6	35	Sycamore, London Plane	Tree	OK - Remove one branch	fair to poor condition
13601	3	550	Market St	1	35	Sycamore, London Plane	Tree	OK	fair to poor condition
13602	3	550	Market St	2	35	Sycamore, London Plane	Tree	OK	fair to poor condition
195280	6	553	Market St	1	5	Sycamore, London Plane	Tree	?? Next to bus shelter, not entrance canopy	poor condition
195281	6	553	Market St	2	8	Sycamore, London Plane	Tree	?? Next to bus shelter, not entrance canopy	poor condition
13630	6	575	Market St	3	3	Sycamore, London Plane	Tree	OK	poor condition

13631	6	575	Market St	4	20	Sycamore, London Plane	Tree	Remove	poor condition
13648	6	595	Market St	2	30	Sycamore, London Plane	Tree	Remove - unhealthy	fair condition
13649	6	595	Market St	3	3	Sycamore, London Plane	Tree	Remove - unhealthy	fair condition
13650	6	595	Market St	4	3	Sycamore, London Plane	Tree	Remove - unhealthy	fair condition
190152	6	643	Market St	8	4	Indian Laurel Fig Tree 'Green Gem'	Tree	OK - 20' from entry, small canopy --- ?? Ficus in a pot ??	poor condition
13739	6	801	Market St	1	45	Sycamore, London Plane	Tree	OK - 20' from entry, remove one branch	fair condition
195834	6	825	Market St	3	10	Sycamore, London Plane	Tree	OK - remove one branch	poor condition
13764	6	865	Market St	5	30	Sycamore, London Plane	Tree	OK - prune one branch	poor condition
13765	6	865	Market St	6	30	Sycamore, London Plane	Tree	OK - 20' from entry	poor condition
13786	6	901	Market St	7	20	Sycamore, London Plane	Tree	OK	poor condition
13787	6	901	Market St	8	25	Sycamore, London Plane	Tree	Remove	poor condition
13788	6	901	Market St	9	30	Sycamore, London Plane	Tree	Remove - difficult to save	good condition
13789	6	901	Market St	10	30	Sycamore, London Plane	Tree	Dead	poor condition
13967	6	1145	Market St	1	40	Sycamore, London Plane	Tree	OK - remove one branch	fair condition
13968	6	1145	Market St	2	50	Sycamore, London Plane	Tree	Remove	fair condition
13969	6	1145	Market St	3	35	Sycamore, London Plane	Tree	OK - prune one branch	fair condition
13970	6	1145	Market St	4	12	Sycamore, London Plane	Tree	OK - prune one branch	fair condition

APPELLANT(S) BRIEF FOR APPEAL NO. 21-078



October 6, 2021

**RE: Appeal No. 21-078**

Dear Supervisors and Concerned Public,

We are concerned about the removal of trees beside the BART entrance stations. I understand some of the trees requested for removal have been unnecessarily targeted only to make it easier for the removal of the trees of concern. This is the wrong attitude on the part of DPW. At a time when the Heat Island Effect is most understood, allowing more reflective heat into the atmosphere is irresponsible. Instead of DPW protecting the City, they are failing it. The fact some of these trees, adjacent to the demolition zone, are now being allowed to remain, is welcome news, thank you.

Because of the insensitivity of the original plan for tree removal, we ask those in positions of authority to stringently review this current plan. That being said, PmAC would be grateful if the BART canopy entrance project was completely abandoned. Should it not be abandoned, we ask for the replacement of these trees be at a 4:1 ratio, along adjacent streets. This could make the area around Market Street whole again some time off in the future.

The excuse that trees can be used by the homeless to climb onto the BART canopies is ridiculous. You insult the intelligence of the public with ideas like this.

The idea of *Green Roofs*, once proposed at BART canopy locations, is an excellent idea. The *Green Roof* located at the Academy of Sciences, was planted with California Native Plants and has dramatically increasing the habitat value there. A maintenance program to sustain these *Green Roofs* is also needed. If these BART canopies are so necessary, why can't they provide a habitat equal or greater to the trees they are replacing?

### **Summary**

It has taken many decades for the Sycamores on Market Street to develop and make this street a grand thoroughfare. As San Franciscans, we need to recognize this and preserve these trees when possible.

Sincerely,  
Charles Head, President CSFN

APPELLANT(S) DID NOT SUBMIT A BRIEF FOR APPEAL NO. 21-079

# BRIEF SUBMITTED BY THE DETERMINATION HOLDER



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
2150 Webster Street  
Oakland, CA 94612  
(510) 464-6000

2021

October 20, 2021

Mark Foley  
PRESIDENT

Rebecca Saltzman  
VICE PRESIDENT

Robert Powers  
GENERAL MANAGER

**VIA Electronic Submission**

City & County of San Francisco  
Board of Appeals  
San Francisco City Hall, Room 416

DIRECTORS

Debora Allen  
1ST DISTRICT

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2ND DISTRICT

Rebecca Saltzman  
3RD DISTRICT

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5TH DISTRICT

Elizabeth Ames  
6TH DISTRICT

Lateefah Simon  
7TH DISTRICT

Janice Li  
8TH DISTRICT

Bevan Duffy  
9TH DISTRICT

Respondent's Brief RE: Appeal No. 21-076, 21-077, 21-078, and 21-079

Dear Members of the Board:

The District responds to appellants in Appeal No. 21-076, 21-077, 21-078, and 21-079 as follows:

**I. Statement of Fact**

The District awarded Contract 15LK-140 Market Street Entry Canopies Contract ("Contract") to Shimmick Construction on January 23, 2020. The District issued the Contract for the purposes of constructing 19 canopies to protect new escalators from weather and thereby protect the investment of MUNI/BART at the Embarcadero, Montgomery St., Powell St., and Civic Center station entrances. The canopies are further intended to provide safety and security enhancements to those entrances, escalators, and existing stairs. An additional three canopies are included as bid options in the Contract.

The entrances to the above referenced stations are jointly used by BART and the City of San Francisco MUNI. The Contract is jointly and equally funded

ADMINLEGAL 135119.1

by the District and the City of San Francisco due to the shared nature of the entrances at the subject stations. As such, the City will share in any Bureau of Forestry fees imposed for removal of trees, additional construction costs for protection of existing trees, and added costs due to inefficiencies caused by working around any trees that are required to remain in place.

The canopy design is based on the winning concept of a design competition where architects presented various concepts for selection by the District, the City and community stakeholders. The concept submitted by VIA Architects was selected, which features glass walls supported by three stainless-clad columns to allow as much transparency to see from the street through to the sidewalk and businesses beyond. The canopies have an asymmetrical ceiling that resembles a floating cloud. This ceiling is fabricated with fiber reinforced plastic, and the ceilings for each station will have its own unique art image embedded within. STV Architects was selected to refine the winning design canopy design concept with the support of VIA and continue design of the contract up through development of the Contract documents.

A pilot contract to prove out the design concept, minus the ceiling art, was completed in November 2018. This contract installed two canopies: one at Powell St. Station and the other at Civic Center Station.

The District's contractor, Shimmick Construction, is an experienced contractor that has worked successfully with the District on previous projects, and; has thus far proven to be competent, conscientious and a good partner on this contract.



The ceilings for the first canopies of the current contract are at this time being fabricated near Seattle, Washington, while structural steel members and other materials are being produced in preparation for the beginning of canopy construction in January 2022. In the meantime, the work on the Contract is commencing with installation of conduit, cable, and equipment within each of the stations so that the systems infrastructure will already be in place to connect the canopies as each are constructed. This minimizes future disruption of station operations.

The District is required to follow and has followed the environmental review process for its projects. The escalators and canopies included in these contracts were the subject of an environmental review performed by AECOM, an engineering consulting company with vast experience in environmental review and analysis. AECOM's review required the analysis of the impact of tree removal and, in the document, removal of up to 54 non-native, London plane trees was considered. Their review culminated in a Final Initial Study/Mitigated Negative Declaration (IS/MND, see Exhibit 1).

To support the environmental review, a study prepared by VIA Architecture that used photographs of trees and diagrams at each canopy location to identify trees that would need to be removed, and; those that could remain and be protected as necessary during the construction work (see Exhibit 2, Market St. Phase 2 Tree Conflicts). The condition of trees was considered, using tree survey data that had been developed for San Francisco's Better Market Project by Hort Science in 2016. Of the 54 trees to be removed , 16 were rated as being "dead, in severe decline,

or in decline”, 30 were rated “with moderate vigor” and eight were rated with a “slight decline in vigor or healthy vigorous trees”. (See Exhibit 2)

The findings of the IS/MNB indicated that impact from the removal of the 54 trees along Market Street within the vicinity of the project site is less than significant. In addition, the findings indicate that while London plane trees are larval host plants for western tiger swallowtail butterflies who lay their eggs in the trees, the number of trees to be removed “would not result in a significant cumulative loss of habitat, due to the large number of trees present along Market Street”. It was further noted that the western tiger swallowtail butterfly is not listed as a special-status species.

The environmental review process provided opportunities for public review and comment. No public comments related to the trees were provided to AECOM in public review of the document. The IS/MND was adopted by the District’s Board of Directors in June 2018.

Based on the findings of the District’s IS/MND, the District designed the Market Street Entry Canopies Contract with tree removals at locations as indicated in the supporting Market St. Phase 2 Tree Conflicts study, required tree protection at locations within the contractor’s work areas where the study indicated trees were shown to remain. The contractor’s bid price has included the protection of trees shown in the contract to remain, and the cost of removal of trees shown in the contract to be removed. Any of the trees previously shown to be removed but are later required to remain protected will be subject to extra tree protection and inefficiency of work costs through a change order process as paid for by the District and the City.

On October 1, 2021 District employees observed that five trees that had been identified for removal in the contract on the south side of Market Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets had been cut down. Upon investigation, it was determined that these trees had been removed by City of San Francisco Public Works during the prior week. Since this work has already been performed by the City, the District is no longer seeking permission to remove these trees. This reduces the number of trees sought to remove from 32 to 27 trees, or half of the 54 trees initially cleared by the environmental process.

While the District's IS/MND found that impacts to tree removal were less than significant, the District committed to complying with Bureau of Forestry Requirements and the District's contractor is required to follow the permit application process. Shimmick Construction applied for permits to remove trees designated in the Contract for removal and posted the trees for public notification as required. Several protests from the public were provided to the Bureau of Urban Forestry, objecting to the removal of the trees. A hearing was conducted on June 28, 2021. Mark Dana, Project Manager, represented the District, providing information on the need to remove trees. Members of the public spoke against the tree removal. A decision from the Director of Public Works found that 11 trees must be left in place and protected during construction. Public Works Order 205249 consolidated previous Order Nos. 205193, 205194, 205195, 205197, 205198, 205199, 205200, 205201, 205202, and 205203 into one order. The following table identifies the disposition of trees from that decision and are the subject of this Hearing (see Exhibit 0, Order 205249).

LOCATION	TREES ALLOWED FOR REMOVAL		LOCATION	TREES ALLOWED FOR REMOVAL
333 Market	4		801-825 Market	2
380-388 Market	4		865 Market	2
540-550 Market	4		901 Market	4
553-575 Market	4		1145-1155	4
595 Market	3		<b>TOTALS</b>	<b>32</b>
643 Market	1			

Appellants were provided until October 8, 2021 to provide hearing briefs. Three hearing briefs were provided, one each from Lance Carnes, Joshua Klipp, and Charles Head/CSFN.

In design of the contract, the designer was very conscious to remove only as many trees as necessary to prevent trees from becoming an attractive-nuisance access to the canopy roofs, while just as importantly, retaining the ability to perform construction work safely and efficiently. Large pieces of equipment and materials laydown areas are required within the relatively small, barricaded work areas the City allows on the sidewalk area. Storing materials and maneuvering around trees can be extremely problematic, time consuming, and costly.

The Contract will require that any trees to be removed that are thereafter required to be preserved are subject to the following:

1. Excavation and pruning activities to clear necessary underground and overhead construction access for installation of footings and structural members below and above

ground are likely to damage roots and limbs to the extent of reduced vitality, and potential death of tree.

2. Protection of tree trunks with a fenced/barricaded box structure in addition to any limbs in work zone reduce the ability to work safely and efficiently around the intensive construction activities that occur adjacent to the canopy locations. Attached as Exhibit 4 (STV's new profile drawings) are rendered views of canopies superimposed on trees existing at each location and show the extent of obstacle they present to construction and nuisance they provide after construction. See the attached photos as Exhibit 5. One photo is of one of five ceiling panels that must be lifted into place into each canopy. The panels must be maneuvered past the structure's columns and under the roof to their precise location. This delicate operation is made significantly more difficult by the presence of trees directly in front or behind the canopies. The remaining photos are of actual construction at our pilot canopies that depict the difficulty in working around obstacles.
3. Trees that remain to grow adjacent to the canopy structures become an attractive nuisance and safety hazard to those who wish to access canopy roofs to watch parades or other activities. In addition, leaves, small branches and other debris from trees will accumulate on the roofs of the canopies and require excess maintenance.

## **II. Summary of Appellants' Arguments**

Appellants' arguments can be described as fitting into four (4) categories:

1. An argument is made that the City of San Francisco is removing without replacement large numbers of trees throughout the City, and the District's Contract requiring tree removal is contributing to the cumulative impact of this deforestation and should compensate for equal loss of habitat as being removed. Appellants argue the tree removal permit, as written, violates City Article 16 Section 806(d) as the canopies should be considered buildings that require planting of trees at a rate of one street tree for each 20 feet of street frontage with any remaining fraction of 10 feet or more of frontage requiring an additional tree.
2. Appellants argue that the canopy design is faulty, as it interferes with existing trees.
3. Appellants argue that there is no need to remove the trees and the District instead asks that the trees be removed purely for convenience of construction, setting a precedent (they argue) for future projects. Appellants, further argue that the District's concern for the potential use of trees as a means of access to canopy roofs to create safety hazards to the public is made in bad faith.
4. Appellants argue that trees removed will reduce human and environmental benefits provided by those trees. Including, they argue, harm to the health and well-being of people, walkable streets, damage habitat for Western Tiger Swallowtail butterflies, and impede access to mass transit.

### III. Analysis

In response to the Appellants' arguments, the District offers the following:

1. The District has no control of non-District projects and the Contract has followed the all processes and complied with all standards of the City.

The District is following the process established for public works contracts, District facilities standards, and City of San Francisco requirements. The Board can see in Exhibit 1, the IS/MND has already addressed the claimed environmental impacts of Appellants and found the impacts of the Contract not significant. The District has no control over non-District projects or policies of the City of San Francisco that may be contributing to loss of trees throughout the City and rightfully cannot fully answer to the effects of any such projects on the local environment.

Appellants' contention that the District should be charged as though the trees are all healthy or that the District should be required to plant trees equal to the frontage is contrary to the City's policies. The District's contractor has applied for a permit from the Bureau of Urban Forestry and the District is responsible for the associated fees to compensate for the loss of removed trees.

The fees charged are based on appraised value or an in-lieu fee, whichever is greater in value.

The condition of the trees is assessed and determined by Bureau of Urban Forestry staff and larger fees are charged for trees in better condition than those in dead or of declining vitality. The City of San Francisco has already determined that this process allows for adequate compensation for the removed trees through a fair and equitable process.

Additionally, Appellants ask the Board to incorrectly categorize the canopies as buildings separate from the Stations and thereby apply the wrong standard. The Contract canopies are engineered to be structurally connected to the existing BART station structure, and interconnected to Station electrical, mechanical, plumbing, signal and special systems. Therefore, the structures which provide protection to the station entrances are in fact appurtenances to the station and not considered separate buildings.

2. The canopy design is not faulty

As described above, the canopy design proceeded through rigorous review by the District, the City, and local stakeholders. The canopy design was required to meet the basic criteria of protecting new escalators being installed at the station entrances from the weather, provide safety and security enhancements including transparency to sidewalk activity beyond the canopies, and provide an overall esthetic appeal of an iconic structure Market Street. To adequately protect the escalators at the station entrances, the roof needs to extend far enough to intercept raindrops driven by the wind at an angle, and the selected canopy design meets that criterion which naturally interferes with some existing trees.

3. The District's need to cut trees is multi-faceted and its safety concerns are in good faith

As obstructive trees that are close to canopies mature, limbs that grow to overhang the canopies will become an attractive nuisance as they create a route to the tops of the canopies. These limbs could break or persons could fall from the canopies injuring themselves or others.



Appellants are correct in describing that any of the specified trees that are required to be protected in place create additional obstacles that must be addressed. However, similar to catenary lines that power MUNI street cars, news and bicycle racks, station pylons and other obstacles that need to be removed to allow work to proceed; the tree obstacles are safety hazards that require special attention and planning to reduce the hazard.

While removing the obstacles does improve efficiency, the City is concerned about work and laydown areas not taking up room on the sidewalk for extended periods of time, and the contractor will need to gain permission from the City to take additional sidewalk and street lane areas to be able to perform work if additional trees are required to remain in place.

Trees left to be protected may not be able to be saved. As shown in drawings included as Exhibit 5, excavation of sidewalk areas to install forms for installation of structure footings will likely disturb the root systems of the trees. Most of the trees that the City has not already required the District to save are already less vigorous and depending on how much root is impacted, the trees may not be able to recover. The drawings also show that only trees proposed in the environmental review process to be removed are required in the contract to be removed. All other trees are shown to be protected.

Less immediate a concern but still a considerable hardship for the District if the trees are ordered to remain, is dropped leaves, limbs, seed pods, and bark shed from nearby trees that will accumulate on rooftops and roof drains. The additional detritus is much more difficult to remove than at street level and creates significant additional maintenance for the District.

4. The quality of life along the Market Street corridor is not impacted by the loss of the trees at focus locations as required by this contract.

Regarding the Western Tiger Swallowtail butterfly, the environmental analysis concluded that the number of trees to be removed by the contract “would not result in a significant cumulative loss of habitat, due to the large number of trees present along Market Street”. It was further noted that the western tiger swallowtail butterfly is not listed as a special-status species.

The District has a consistent record of including tree plantings in the design and construction of projects on District-owned properties and is following the requirements established for impact to trees on City sidewalk areas of Market Street in this project. At this time, the 32 trees being discussed in this hearing is far less than the 54 trees that were considered in the environmental analysis and the impact is even less significant. Five of the 32 trees have recently been cut by San Francisco Public Works without the involvement or inducement of the District, reducing the number of trees the District seeks to remove to 27 trees, or half of the 54 trees that were environmentally cleared for removal.

#### **IV. Conclusion**

The District has followed procedure, and shall compensate the City of San Francisco through the Urban Forestry permit process. The District has a IS/MND showing less than significant impacts from the removal of a relatively small number of trees that are in varying conditions. The District asks that the Board continue the established process and allow the permits to issue as there has been no showing of manifest injustice.

**BRIEF(S) SUBMITTED BY THE  
RESPONDENT DEPARTMENT(S)**



**Urban Forestry**

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Appeal No. 21-076, 21-077, 21-078 and 21-079

Re: Removal of 32 *Platanus x hispanica* street trees adjacent to 333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street for Bay Area Rapid Transit (BART) to install canopies over BART entrances

October 21, 2021

The Bay Area Rapid Transit District, BART, submitted tree removal applications for the removal of forty-nine (49) trees from Embarcadero to the 1100 Block of Market Street. Of the 49, thirty-two (32) tree removal applications were consolidated into Public Hearing Order No. 205249 and are the subject of the appeal. The remaining seventeen (17) trees were either denied and not appealed by BART or were approved and not appealed by the appellants.

Urban Forestry Staff approved the tree removals listed in Order No. 205249. Tree removal was approved for the construction of canopy structures over the BART/MUNI entrances. During the 30-day public notification period, protests were received, and a Departmental hearing was scheduled on June 28, 2021. At the hearing, Bureau of Urban Forestry (BUF) stated that the trees proposed for removal range from fair to poor condition in health and structure. The trees are showing evidence of decline due to soil compaction, wind exposure, low live crown ratio, leaning, biotic, and abiotic factors. Several trees have been vandalized in the past and have reached their full growing potential. The decision was to approve the thirty-two (32) trees for removal, with replacement where feasible after canopies are built. If trees cannot be replaced due to failure to meet the minimum planting requirements, then an in-lieu



### Urban Forestry

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fee or the appraised value shall be assessed, whichever is greater in value. Tree replacement of a minimum 36-inch box is required where sites meet the planting requirements.

On October 5, 2021, Urban Forestry staff met with BART representatives and one of the appellants, Joshua Klipp, to discuss a resolution. Mr. Klipp requested that BART reassess their plans to determine if more trees can be preserved, and to find out what the rooting area of the trees is to determine if the canopies truly impacted the trees below ground. Mr. Klipp demonstrated that the corridor was habitat for the Swallowtail butterfly, which were observed on Market Street at the time of the meeting. In addition to tree preservation, Mr. Klipp requested clarity on BART's mitigation for tree removal and requested empty basins on Market Street be planted, as Market Street has a 4% canopy cover and the removal of 32 trees would be detrimental to the neighborhood. BART responded that they would review what resources were available if they were to replant trees and commit to the three-year watering requirement. Representatives from BART requested clarity on tree protection requirements for the trees that were denied for removal, which was sent to the construction team for BART. Urban Forestry Staff stated that if BART's arborist needed guidance on site, then an Urban Forestry inspector would meet the arborist on site.

### **Conclusion**

Urban Forestry Staff approved the thirty-two (32) tree removals on the basis that the footprints of the to be constructed canopies conflicted with the trees. The determination was made based on the plans provided by BART. Additionally, many of the trees were approved because they were in poor to fair condition. No trees with a "good" condition rating were approved. The resulting decision for Order



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205249 requires the planting of 36" box replacement trees where feasible after construction of the canopies, as determined by Urban Forestry Staff. BART must pay in-lieu fees or appraised value, whichever is higher, for trees that cannot be replanted.

Respectfully,

Susan Nawbary

Acting Urban Forester

San Francisco Public Works

List of Exhibits Attached

A) Public Works Order No. 205249

B) Diagrams and additional details with associated applications

Permit Address	Permit No.	Tree Site #	Tree ID	Tree Address	Approve/D	Health	DBH	Director's Decision	Appraisal	Notes	Tree Removal
333 Market St	785616	6	13512	333 Market St	na	na	na	Approved	\$2,193.00	paved	0
		7	13513	333 Market St	approve	fair	6	Approved	\$2,193.00		1
		8	13514	333 Market St	approve	fair	3	Approved	\$2,193.00	new tree	1
		9	13515	333 Market St	approve	fair	9	Approved	\$2,193.00		1
380 Market 1 Pine St	785615	5	135329	380 Market St	approve	fair	8	Approved	\$2,193.00		1
		6	135330	380 Market St	approve	fair	4	Approved	\$2,193.00		1
		7	135331	380 Market St	approve	fair	5	Approved	\$2,193.00		1
		8	135332	380 Market St	approve	fair	5	Approved	\$2,193.00		1
554 Market St	785618	5	13597	540 Market St	approve	fair	7	Approved	\$2,193.00		1
		6	13598	540 Market St	approve	fair	6	Approved	\$2,193.00		1
		1	13601	550 Market St	approve	poor	5	Approved	\$2,193.00		1
		2	13602	550 Market St	approve	fair	7	Approved	\$2,193.00		1
575 Market St	785617	1	195280	553 Market St	approve	poor	3	Approved	\$2,193.00		1
		2	195281	553 Market St	approve	poor	4	Approved	\$2,193.00		1
		3	13630	575 Market St	approve	poor	5	Approved	\$2,193.00		1
		4	13631	575 Market St	approve	poor	5	Approved	\$2,193.00		1
595 Market St	785619	1	13647	595 Market St	na	na	na	Approved	\$2,193.00	paved	0
		2	13648	595 Market St	approve	fair	5	Approved	\$2,193.00		1
		3	13649	595 Market St	approve	fair	7	Approved	\$2,193.00		1
		4	13650	595 Market St	approve	fair	6	Approved	\$2,193.00		1
2 New Montgomery	785620	8	190152	643 Market St	approve	poor	5	Approved	\$2,193.00	small	1
815 Market St	785621	1	13739	801 Market St	approve	fair	8	Approved	\$2,193.00		1
		3	195834	825 Market St	approve	poor	9	Approved	\$2,193.00		1
885 Market St	785622	5	13764	865 Market St	approve	poor	9	Approved	\$2,193.00		1
		6	13765	865 Market St	approve	poor	9	Approved	\$2,193.00		1
901 Market St	785623	7	13786	901 Market St	approve	poor	6	Approved	\$2,193.00		1
		8	13787	901 Market St	approve	poor	6	Approved	\$2,193.00	mall, toppe	1
		9	13788	901 Market St	approve	poor	7	Approved	\$2,193.00		1
		10	13789	901 Market St	approve	fair	8	Approved	\$2,193.00		1
1100 Market St	785624	3	13973	1150 x Market St	deny	good	12	Denied	\$5,700.00		0
		4	13974	1150 x Market St	approve	fair	7	Approved	\$2,193.00		1
		5	13975	1150 x Market St	deny	good	11	Denied	\$7,400.00		0
		6	13976	1150 x Market St	deny	good	14	Denied	\$7,500.00		0
1145 Market St	785625	1	13967	1145 Market St	approve	fair	9	Approved	\$2,193.00		1
		2	13968	1145 Market St	approve	fair	10	Approved	\$2,193.00		1
		5	13987	1155 Market St	approve	fair	12	Approved	\$2,193.00		1
		6	13988	1155 Market St	approve	fair	10	Approved	\$2,193.00		1
Sum of Approved and Appealed									\$74,562.00		32
If no replacements											

# APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to : City and County of San Francisco, PO Box 7461, San Francisco, CA 94120-7461

Check payable to: CCSF – DPW – BUF | Telephone: 415-641-2676 | Fax: 415-522-7684



London Breed  
Acting Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel 415-554-5810

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

DATE 7/26/2020 APPLICATION # \_\_\_\_\_ APPROVED BY \_\_\_\_\_

# TO REMOVE 53 SPECIES Platanus x hispanica Sycamore

# TO PLANT \_\_\_\_\_ SPECIES \_\_\_\_\_

Subject to in lieu fees

## TREES TO BE REMOVED

See Civil drawings from page 3 indicating trees for removal

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Sig. Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

## REASON FOR REMOVAL

15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

## SITE INFORMATION

Site Address: 333 Market St. Zip: 94105

Cross Street: Beale Block: 3710 Lot: 20

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

## APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Shimmick Construction Company, Inc.

Applicant Name: Filip Filipić

Address: 8201 Edgewater Drive, Suite 202

City: Oakland State: CA Zip: 94621

Phone: 510-715-0163 E-Mail: ffilipic@shimmick.com

I agree to hold harmless the City and County of San Francisco, its agents, officers, and employees from any damage or injury caused by reason of planting, placement, maintenance, or removal of the planter or plants. The owner or owners of the respective property shall be solely liable for any damages. The City has the right to make changes in parking restrictions, such as designating new bus stops or blue zoned parking areas. If parking restrictions change adjacent to your sidewalk landscaping, your sidewalk landscaping permit may be rescinded and you will be required to remove the landscaping and reinstall concrete sidewalk paving. Any proposed changes in parking restrictions will require public notice and require a public hearing prior to implementation.

Signature of Applicant/Authorized Agent

7/27/2020

Date






\_\_\_\_ Property Owner  Authorized Agent

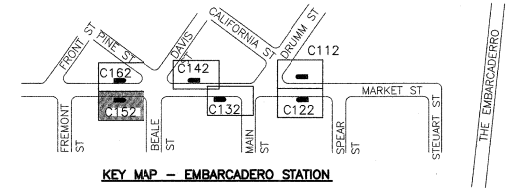


NOTES:

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- REMOVE EXISTING BRICKS WITH HAND TOOLS ONLY PRIOR TO EXCAVATION.
- REMOVE BRICKS AT LEAST ONE FOOT FROM PROPOSED FOOTINGS PRIOR TO EXCAVATION. SEE STRUCTURAL DRAWINGS FOR FOOTINGS.
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- REMOVAL OF TREE INCLUDES TREE STUMP AND METAL GRATE COVER. TREE WELL SHALL BE COMPACTED WITH SOIL AND REPAVED WITH NEW BRICK AS NECESSARY. SEE GRADING PLAN.
- REMOVE AND RECONSTRUCT CURB FOR CURB DRAIN. SEE SHEET C511.

DEMOLITION LEGEND

-  DEMOLISH
-  RELOCATE
-  BRICK PAVING REMOVAL
-  CURB REMOVAL
-  PROPOSED CANOPY FOOTING  
SEE STRUCTURAL DRAWINGS

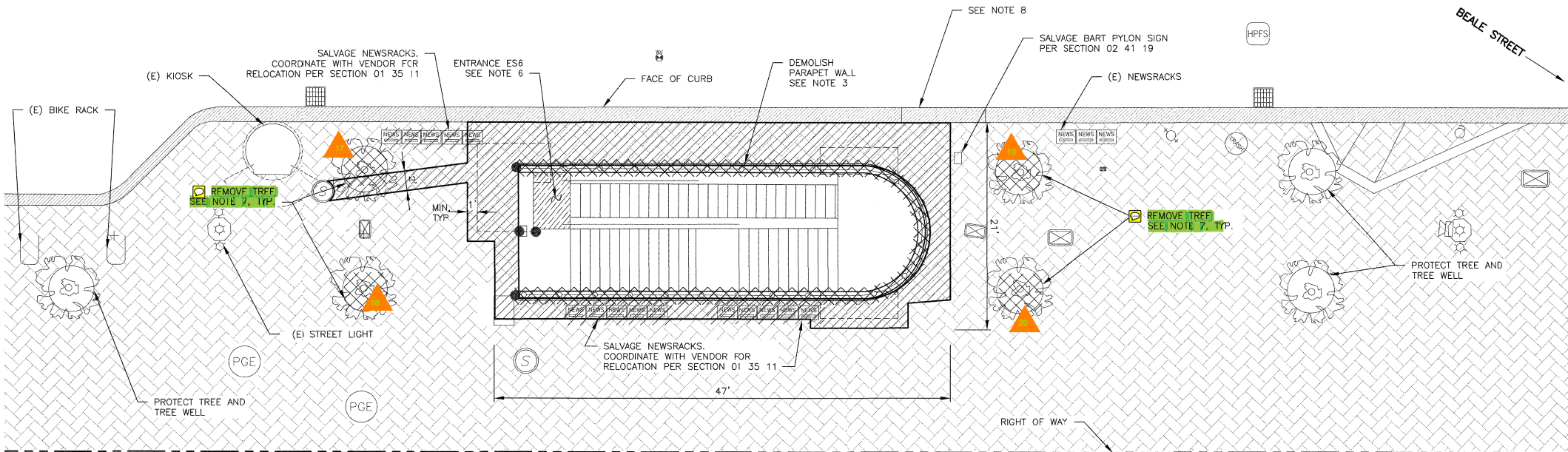


24+50.00

24+00.00

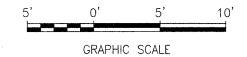
MARKET STREET

23+50.00





333

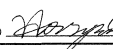
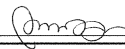
PLAN 1 C152



REV.	DATE	BY	SUB	APP.	DESCRIPTION
P	3/13/19				ISSUED FOR BID

DESIGNED:  
H. LIU  
DRAWN:  
H. LIU  
CHECKED:  
E. SCHELLER  
APPROVED:  
K. LITTLE  
DATE:  
3/13/19

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
AETYPIC INC.  AETYPIC  
STV INC.  STV 100

SUBMITTED  APPROVED 

**MARKET STREET ENTRY CANOPIES, EMBARCADERO STATION**  
CANOPY NO. 6 (ES6)  
DEMOLITION AND REMOVAL PLAN

CADD FILENAME: M16C152.DWG  
SIZE: SCALE: 1"=5'  
CONTRACT NO. 15LK-140  
CONTRACT SHEET NO. C152  
PAGE NO. 032

# APPLICATION FOR TREE REMOVAL PERMIT

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Check payable to: CCSF - DPW - BUF | Telephone: 415-641-2676 | Fax: 415-522-7684



DATE 7/26/2020 APPLICATION # \_\_\_\_\_ APPROVED BY \_\_\_\_\_

# TO REMOVE 53 SPECIES Platanus x hispanica Sycamore

# TO PLANT \_\_\_\_\_ SPECIES \_\_\_\_\_

Subject to in lieu fees

### TREES TO BE REMOVED

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

See Civil drawings from page 3 indicating trees for removal

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

page 2

Sig.Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

London Breed  
Acting Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel 415-554-5810

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

### REASON FOR REMOVAL

15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

### SITE INFORMATION

Site Address: 1 Pine St. Zip: 94104

Cross Street: Pine Block: 265 Lot: 3

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

### APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Shimmick Construction Company, Inc.

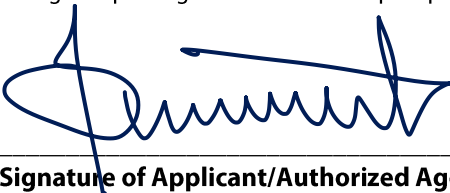
Applicant Name: Filip Filipić

Address: 8201 Edgewater Drive, Suite 202

City: Oakland State: CA Zip: 94621

Phone: 510-715-0163 E-Mail: ffilipic@shimmick.com

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Signature of Applicant/Authorized Agent

7/27/2020  
Date

\_\_\_\_\_ Property Owner   Authorized Agent



RIGHT OF WAY

LIMIT OF BRICK REMOVAL  
SEE NOTE 4 AND 5

ENTRANCE ES7  
SEE NOTE 6

DEMOLISH  
PARAPET WALL  
SEE NOTE 3

MIN. TYP  
SEE NOTE 5

REMOVE TREE  
SEE NOTE 7, TYP.

SALVAGE BART/MUNI SIGN  
PER SECTION 02 41 19

REMOVE TREE  
SEE NOTE 7, TYP.

PROTECT TREE AND  
TREE WELL

(E) LIGHT  
POLE

PROPOSED KIOSK  
LOCATION

PROTECT TREE AND  
TREE WELL

EXISTING LIGHT POLE

(E) FIRE HYDRANT

RELOCATE KIOSK

SEE NOTE 8

ELECTRICAL VAULT  
TO REMAIN


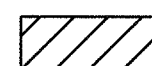
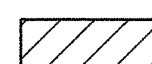
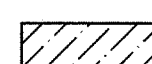
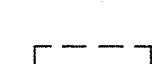
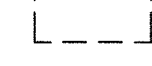
ELECTRICAL PULL BOX  
TO REMAIN

FACE OF CURB

SALVAGE BART PYLON SIGN  
PER SECTION 02 41 19

SEE NOTE 8

DEMOLITION LEGEND

-  DEMOLISH
-  RELOCATE
-  BRICK PAVING REMOVAL
-  CURB REMOVAL
-  PROPOSED CANOPY FOOTING  
SEE STRUCTURAL DRAWINGS
-  AC PAVEMENT REMOVAL

24+50

MUNI RAILS

24+00

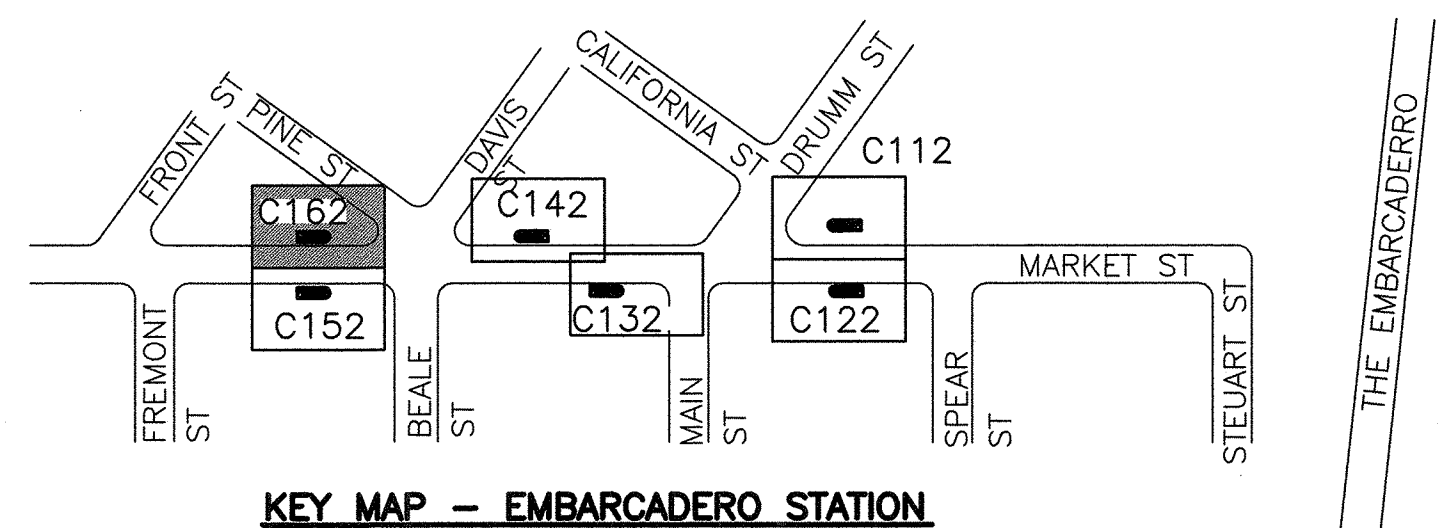
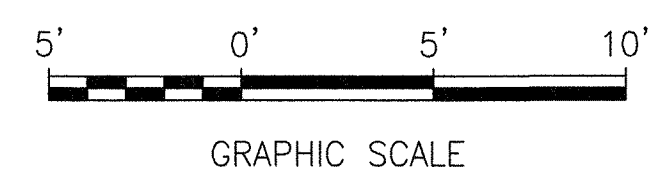
MARKET STREET


23+50

NOTES:


1. FOR GENERAL NOTES, ABBREVIATIONS AND SYMBOLS, SEE DWG C010.
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8. REMOVE AND RECONSTRUCT CURB FOR CURB DRAIN. SEE SHEET C511.


PLAN 1  
C162


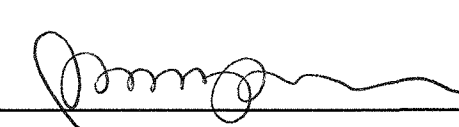


DESIGNED: H. LUU					
DRAWN: H. LUU					
CHECKED: E. SCHELLER					
APPROVED: K. LITTLE					
DATE: 3/13/19					
REV.	DATE	BY	SUB	APP.	DESCRIPTION
P	3/13/19				ISSUED FOR BID

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

AETYPIC INC.  AETYPIC

STV INC.  100 Years

SUBMITTED  APPROVED 

**MARKET STREET ENTRY CANOPIES  
EMBARCADERO STATION**

CANOPY NO. 5 (ES7)  
DEMOLITION AND REMOVAL PLAN

CADD FILENAME M16C162.DWG
SIZE: SCALE D 1"=5'
CONTRACT NO. <b>15LK-140</b>
REV. <b>P</b>
CONTRACT SHEET NO. <b>C162</b>
PAGE NO. <b>036</b>



# APPLICATION FOR TREE REMOVAL PERMIT

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London Breed  
Acting Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel 415-554-5810

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

DATE 7/26/2020 APPLICATION # \_\_\_\_\_ APPROVED BY \_\_\_\_\_

# TO REMOVE 53 SPECIES Platanus x hispanica Sycamore

# TO PLANT \_\_\_\_\_ SPECIES \_\_\_\_\_

Subject to in lieu fees

## TREES TO BE REMOVED

See Civil drawings from page 3 indicating trees for removal

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Sig. Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

## REASON FOR REMOVAL

15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

## SITE INFORMATION

Site Address: 554 Market St Zip: 94104

Cross Street: Sutter Block: 291 Lot: 4

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

## APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Shimmick Construction Company, Inc.

Applicant Name: Filip Filipić

Address: 8201 Edgewater Drive, Suite 202

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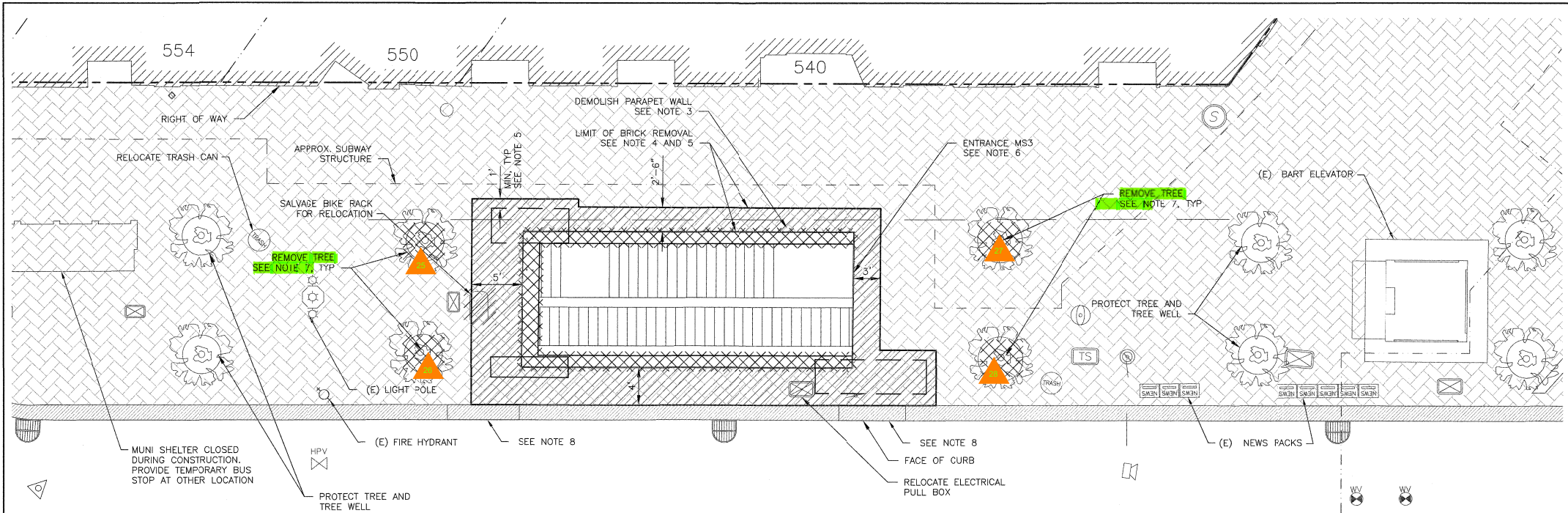
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Signature of Applicant/Authorized Agent







7/27/2020

Date

\_\_\_\_ Property Owner  Authorized Agent

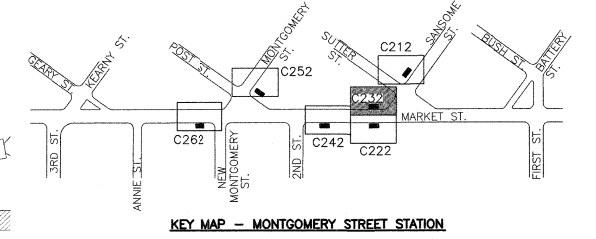
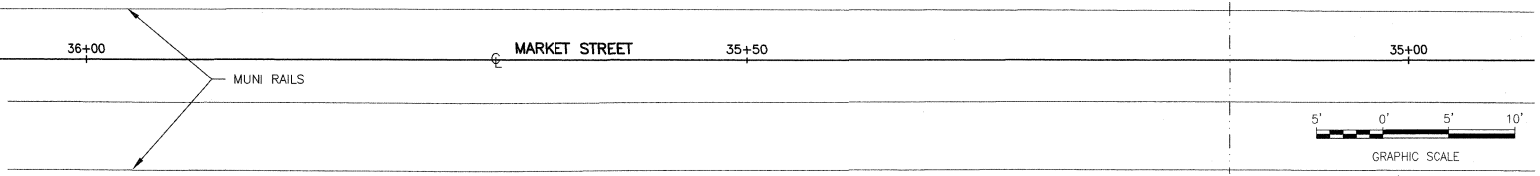


**DEMOLITION LEGEND**

-  DEMOLISH
-  RELOCATE
-  BRICK PAVING REMOVAL
-  CURB REMOVAL
-  PROPOSED CANOPY FOOTING  
SEE STRUCTURAL DRAWINGS
-  AC PAVEMENT REMOVAL

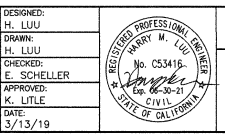
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



PLAN 1  
C232

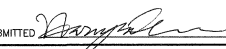

DESIGNED: H. LIUJ	DRAWN: H. LIUJ	CHECKED: E. SCHELLER	APPROVED: K. LITTLE	DATE: 3/13/19	
REV.	DATE	BY	SLIP	APP.	DESCRIPTION
P	3/13/19				ISSUED FOR BID



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

AETYPIC INC.  AETYPIC

STV INC.  100 Years

SUBMITTED  APPROVED 

**MARKET STREET ENTRY CANOPIES  
MONTGOMERY STREET STATION (M20)**

CANOPY NO. 9 (MS3)  
DEMOLITION AND REMOVAL PLAN

CADD FILENAME: M20C232.DWG  
SIZE: SCALE: D 1"=5'  
CONTRACT NO. 15LK-140  
CONTRACT SHEET NO. C232

REV. P  
PAGE NO. 052

# APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to : City and County of San Francisco, PO Box 7461, San Francisco, CA 94120-7461

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London Breed  
Acting Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel 415-554-5810

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
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DATE 7/26/2020 APPLICATION # \_\_\_\_\_ APPROVED BY \_\_\_\_\_

# TO REMOVE 53 SPECIES Platanus x hispanica Sycamore

# TO PLANT \_\_\_\_\_ SPECIES \_\_\_\_\_

Subject to in lieu fees

## TREES TO BE REMOVED

See Civil drawings from page 3 indicating trees for removal

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Sig. Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

## REASON FOR REMOVAL

15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

## SITE INFORMATION

Site Address: 575 Market St. Zip: 94105

Cross Street: Sutter Block: 3708 Lot: 175

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

## APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Shimmick Construction Company, Inc.

Applicant Name: Filip Filipić

Address: 8201 Edgewater Drive, Suite 202

City: Oakland State: CA Zip: 94621

Phone: 510-715-0163 E-Mail: ffilipic@shimmick.com

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Signature of Applicant/Authorized Agent

7/27/2020

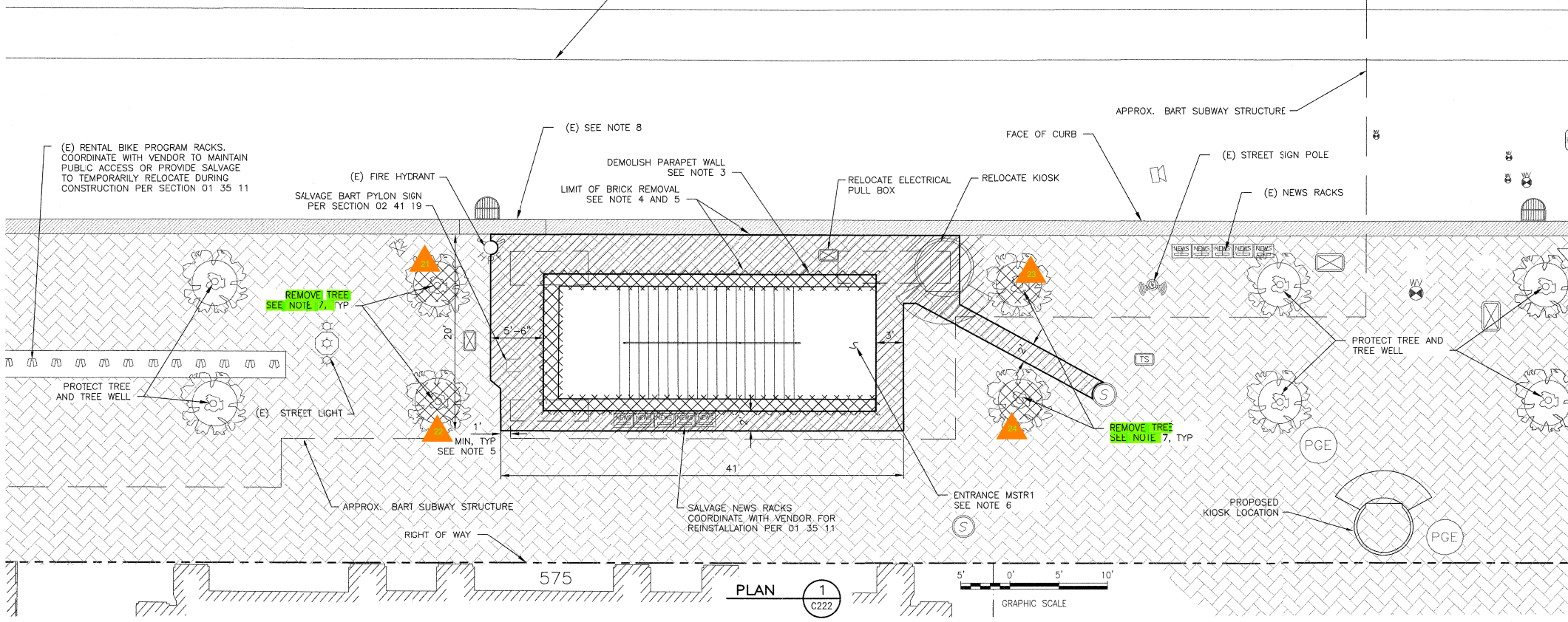
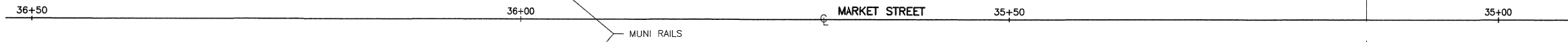
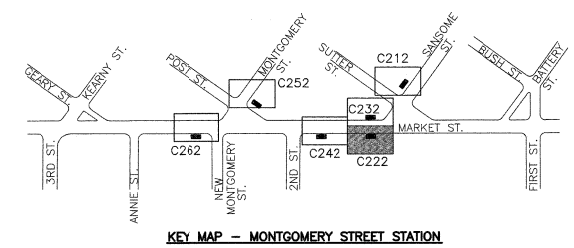
Date

\_\_\_\_ Property Owner  Authorized Agent

NOTES:

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DEMOLITION LEGEND	
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REV.	DATE	BY	SUB	APP.	DESCRIPTION
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## SITE INFORMATION

Site Address: 595 Market St. Zip: 94105

Cross Street: 2nd Block: 3708 Lot: 59

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

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




Please see page 2 for site information

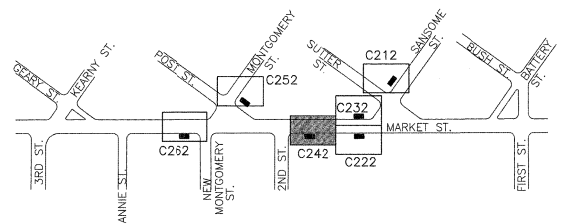
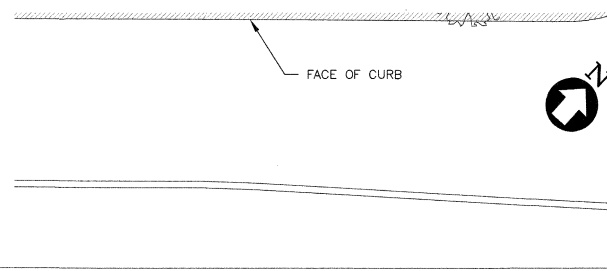


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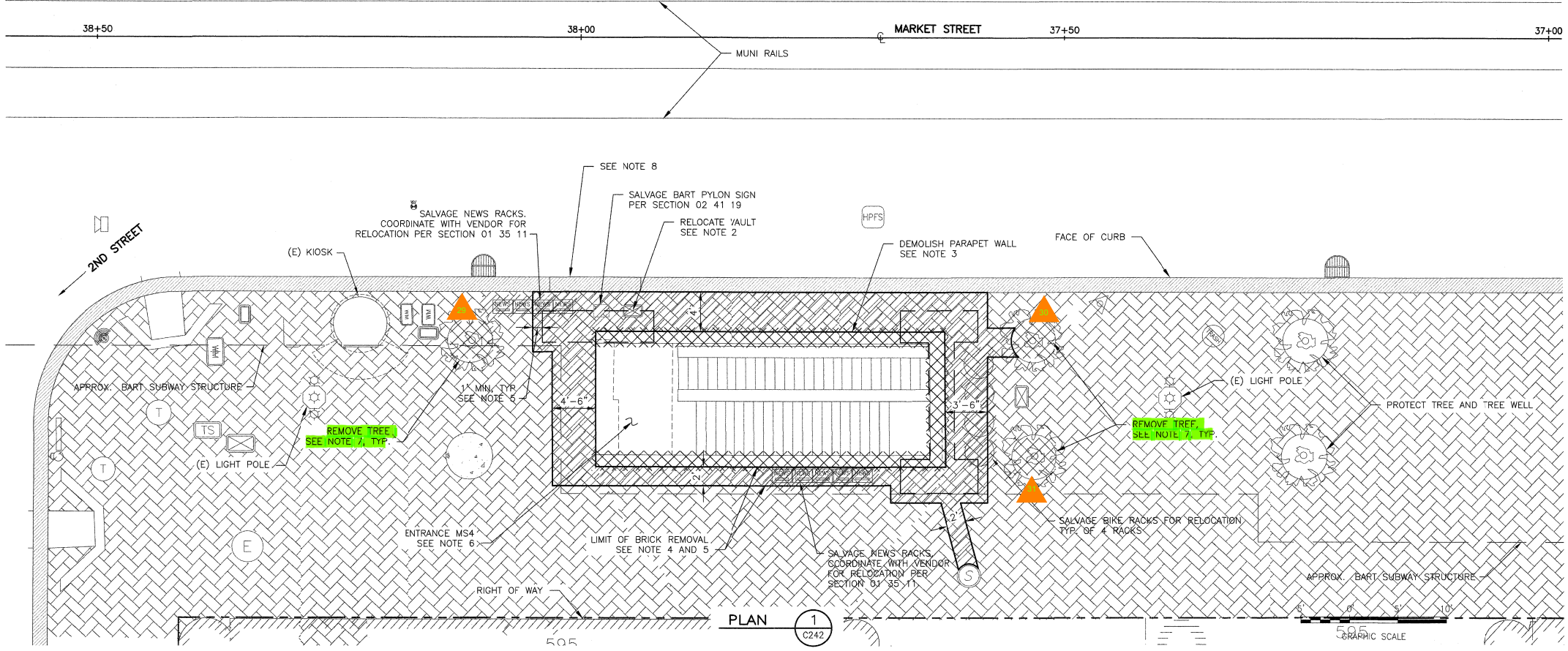
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SEE STRUCTURAL DRAWINGS
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KEY MAP - MONTGOMERY STREET STATION



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page 2

## REASON FOR REMOVAL

15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

## SITE INFORMATION

Site Address: 815 Market St. Zip: 94103

Cross Street: 4th St. Block: 3705z Lot: 1

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

## APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Shimmick Construction Company, Inc.

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




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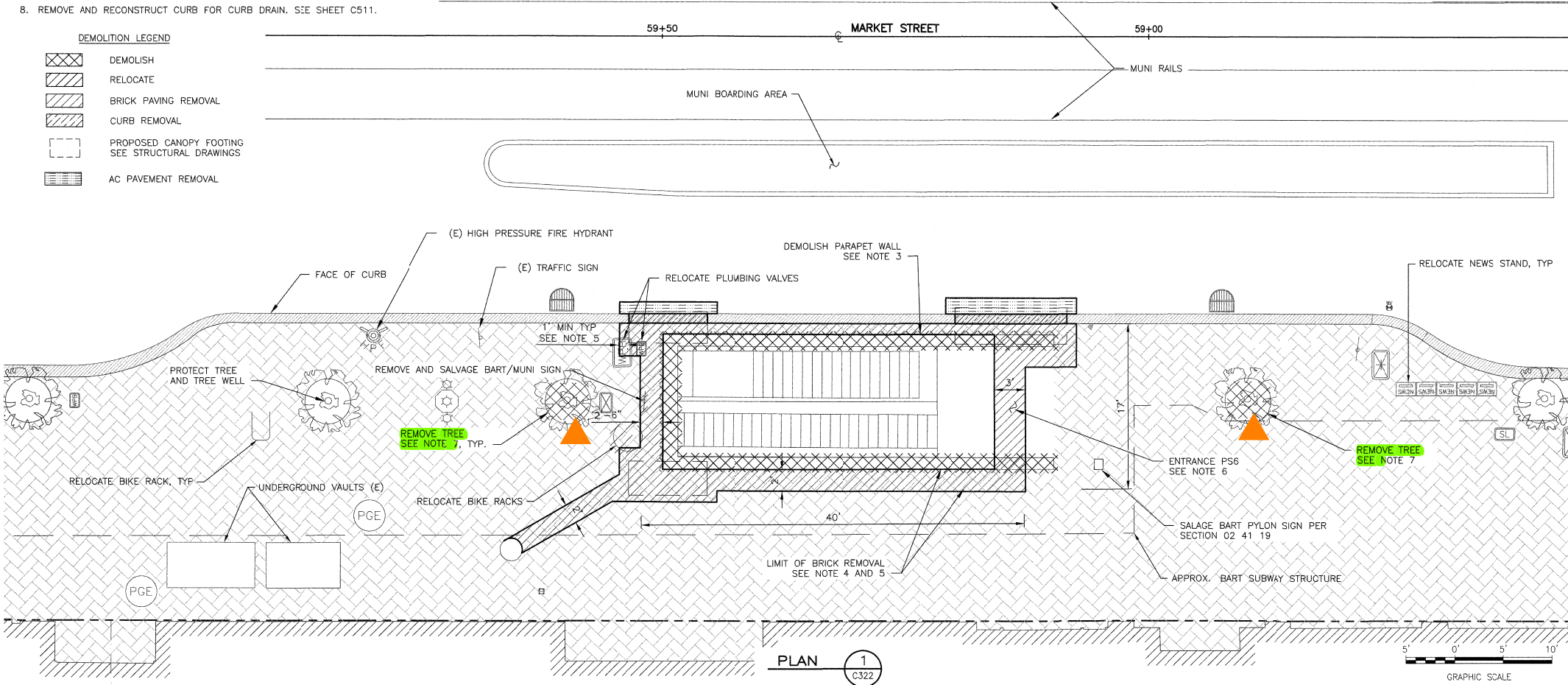
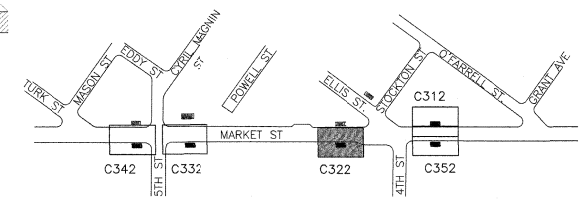
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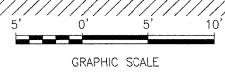
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PLAN 1  
C322




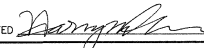
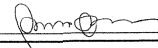
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SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

AETYPIC INC.  AETYPIC

STV INC.  100 years

SUBMITTED  APPROVED 

MARKET STREET ENTRY CANOPIES,  
POWELL STREET STATION

CANOPY NO. 15 (PS6)  
DEMOLITION AND REMOVAL PLAN

CADD FILENAME: M20C322.DWG  
SIZE: SCALE: D 1"=5'  
CONTRACT NO. 15LK-140  
CONTRACT SHEET NO. C322  
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15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

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




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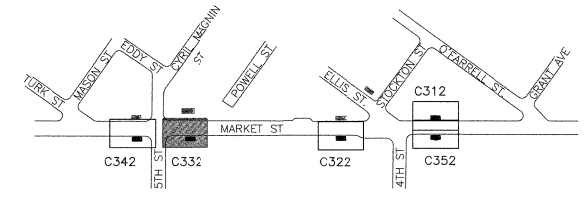


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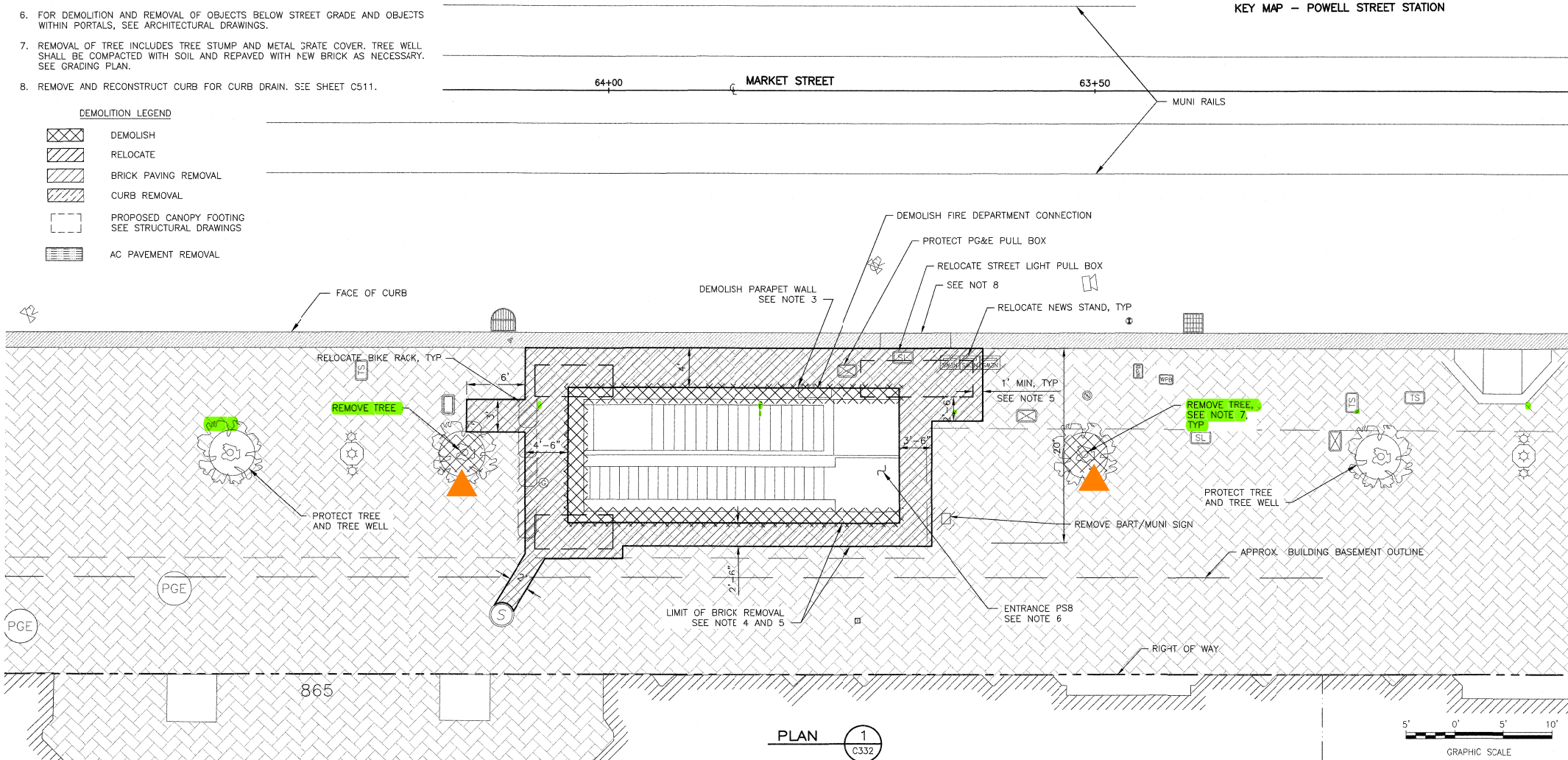
1. FOR GENERAL NOTES, ABBREVIATIONS AND SYMBOLS, SEE DWG C010.
2. FOR RELOCATION AND REMOVAL OF ELECTRICAL ITEMS (PULL BOXES, LINES, ETC.), SEE ELECTRICAL DRAWINGS. REPAVE WITH NEW BRICKS AS REQUIRED. SEE UTILITY DRAWINGS AND FIELD VERIFY LOCATIONS.
3. FOR DEMOLITION OF PARAPET WALLS, GUARDRAILS, AND ANY WALL-MOUNTED EQUIPMENT, SEE ARCHITECTURAL DRAWINGS.
4. REMOVE EXISTING BRICKS WITH HAND TOOLS ONLY PRIOR TO EXCAVATION.
5. REMOVE BRICKS AT LEAST ONE FOOT FROM PROPOSED FOOTINGS PRIOR TO EXCAVATION. SEE STRUCTURAL DRAWINGS FOR FOOTINGS.
6. FOR DEMOLITION AND REMOVAL OF OBJECTS BELOW STREET GRADE AND OBJECTS WITHIN PORTALS, SEE ARCHITECTURAL DRAWINGS.
7. REMOVAL OF TREE INCLUDES TREE STUMP AND METAL GRATE COVER. TREE WELL SHALL BE COMPACTED WITH SOIL AND REPAVED WITH NEW BRICK AS NECESSARY. SEE GRADING PLAN.
8. REMOVE AND RECONSTRUCT CURB FOR CURB DRAIN. SEE SHEET C511.

DEMOLITION LEGEND

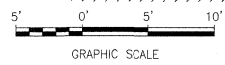
-  DEMOLISH
-  RELOCATE
-  BRICK PAVING REMOVAL
-  CURB REMOVAL
-  PROPOSED CANOPY FOOTING  
SEE STRUCTURAL DRAWINGS
-  AC PAVEMENT REMOVAL



KEY MAP - POWELL STREET STATION



PLAN 1  
C332





REV	DATE	BY	SUB	APP.	DESCRIPTION
P	3/13/19				ISSUED FOR BID

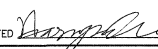

DESIGNED:  
H. LIUJ  
DRAWN:  
H. LIUJ  
CHECKED:  
E. SCHELLER  
APPROVED:  
K. LITTLE  
DATE:  
3/13/19



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

AETYPIC INC.  AETYPIC

STV INC.  STV 100 years

SUBMITTED  APPROVED 

MARKET STREET ENTRY CANOPIES  
POWELL STREET STATION

CANOPY NO. 16 (PS8)  
DEMOLITION AND REMOVAL PLAN

CADD FILENAME:  
M30C332.DWG  
SIZE: SCALE  
D 1"=5'  
CONTRACT NO.  
15LK-140  
CONTRACT SHEET NO.  
C332

REV.  
P  
PAGE NO.  
084

# APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to : City and County of San Francisco, PO Box 7461, San Francisco, CA 94120-7461

Check payable to: CCSF – DPW – BUF | Telephone: 415-641-2676 | Fax: 415-522-7684



London Breed  
Acting Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel 415-554-5810

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

DATE 7/26/2020 APPLICATION # \_\_\_\_\_ APPROVED BY \_\_\_\_\_

# TO REMOVE 53 SPECIES Platanus x hispanica Sycamore

# TO PLANT \_\_\_\_\_ SPECIES \_\_\_\_\_

Subject to in lieu fees

## TREES TO BE REMOVED

See Civil drawings from page 3 indicating trees for removal

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Sig. Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

page 2

## REASON FOR REMOVAL

15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

## SITE INFORMATION

Site Address: 901 Market St. Zip: 94103

Cross Street: 5th Block: 3704 Lot: 1

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

## APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Shimmick Construction Company, Inc.

Applicant Name: Filip Filipić

Address: 8201 Edgewater Drive, Suite 202

City: Oakland State: CA Zip: 94621

Phone: 510-715-0163 E-Mail: ffilipic@shimmick.com

I agree to hold harmless the City and County of San Francisco, its agents, officers, and employees from any damage or injury caused by reason of planting, placement, maintenance, or removal of the planter or plants. The owner or owners of the respective property shall be solely liable for any damages. The City has the right to make changes in parking restrictions, such as designating new bus stops or blue zoned parking areas. If parking restrictions change adjacent to your sidewalk landscaping, your sidewalk landscaping permit may be rescinded and you will be required to remove the landscaping and reinstall concrete sidewalk paving. Any proposed changes in parking restrictions will require public notice and require a public hearing prior to implementation.

Signature of Applicant/Authorized Agent

7/27/2020

Date

\_\_\_\_ Property Owner  Authorized Agent

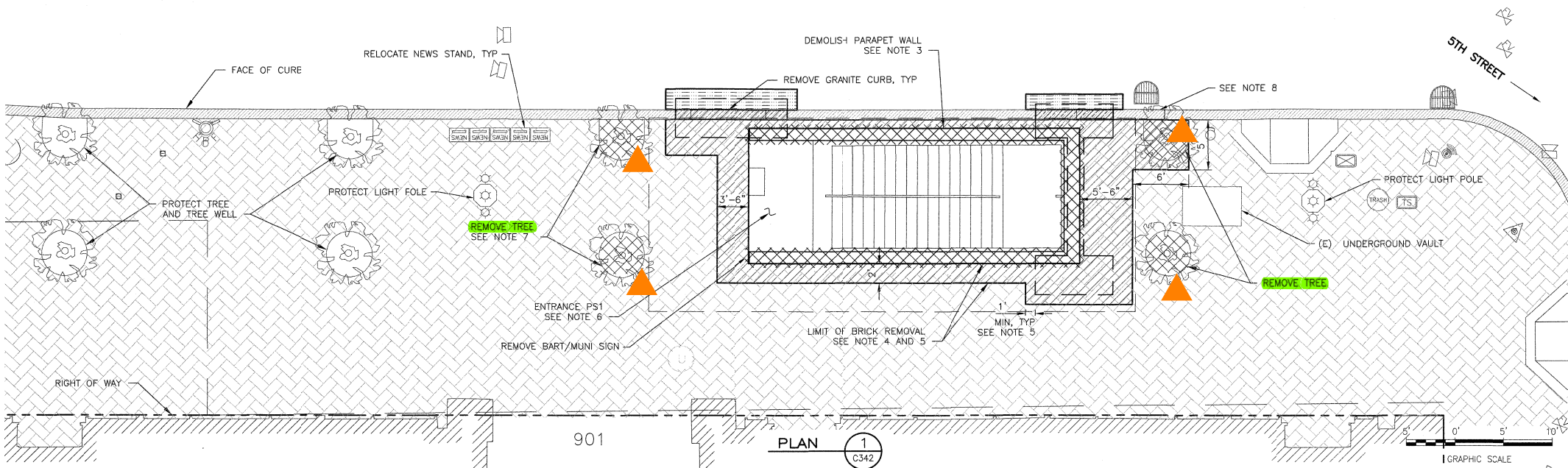
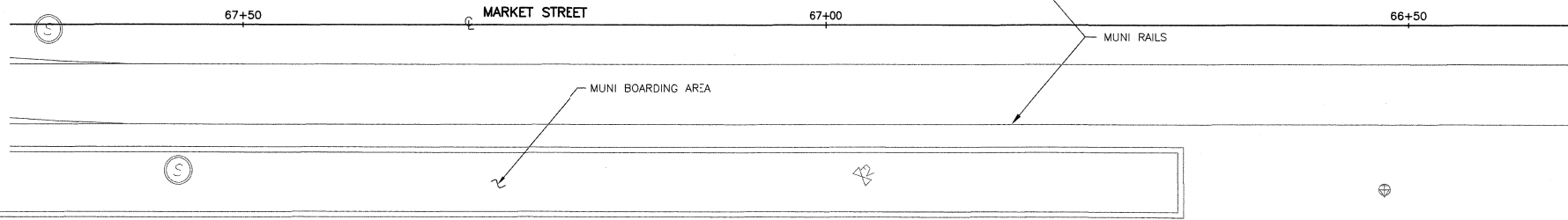
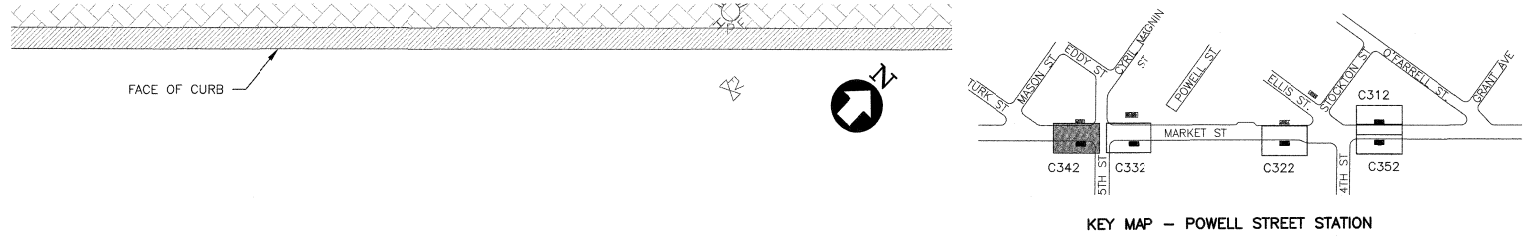
Please see page 2 for site information

NOTES:

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DEMOLITION LEGEND

	DEMOLISH
	RELOCATE
	BRICK PAVING REMOVAL
	CURB REMOVAL
	PROPOSED CANOPY FOOTING SEE STRUCTURAL DRAWINGS
	AC PAVEMENT REMOVAL



REV.	DATE	BY	SUB	APP.	DESCRIPTION
P	3/13/19				ISSUED FOR BID

DESIGNED:  
H. LUU  
DRAWN:  
H. LUU  
CHECKED:  
E. SCHELLER  
APPROVED:  
K. LITTLE  
DATE:  
3/13/19

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

AETYPIC INC. AETYPIC

STV INC. STV 100 PARTS

DESIGNED BY: *[Signature]*

APPROVED BY: *[Signature]*

**MARKET STREET ENTRY CANOPIES,  
POWELL STREET STATION**

CANOPY NO. 17 (PSTR1)  
DEMOLITION AND REMOVAL PLAN

CADD FILENAME: M30C342.DWG  
SIZE: SCALE: 1"=5'  
CONTRACT NO. 15LK-140  
CONTRACT SHEET NO. C342  
REV. P  
PAGE NO. 089

# APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to : City and County of San Francisco, PO Box 7461, San Francisco, CA 94120-7461

Check payable to: CCSF – DPW – BUF | Telephone: 415-641-2676 | Fax: 415-522-7684



DATE 7/26/2020 APPLICATION # \_\_\_\_\_ APPROVED BY \_\_\_\_\_

# TO REMOVE 53 SPECIES Platanus x hispanica Sycamore

# TO PLANT \_\_\_\_\_ SPECIES \_\_\_\_\_

Subject to in lieu fees

## TREES TO BE REMOVED

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Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Sig.Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

London Breed  
Acting Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel 415-554-5810

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[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

## REASON FOR REMOVAL

15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

## SITE INFORMATION

Site Address: 7th Zip: 94102

Cross Street: Powell Block: 351 Lot: 39

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

## APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Shimmick Construction Company, Inc.

Applicant Name: Filip Filipić

Address: 8201 Edgewater Drive, Suite 202

City: Oakland State: CA Zip: 94621

Phone: 510-715-0163 E-Mail: ffilipic@shimmick.com

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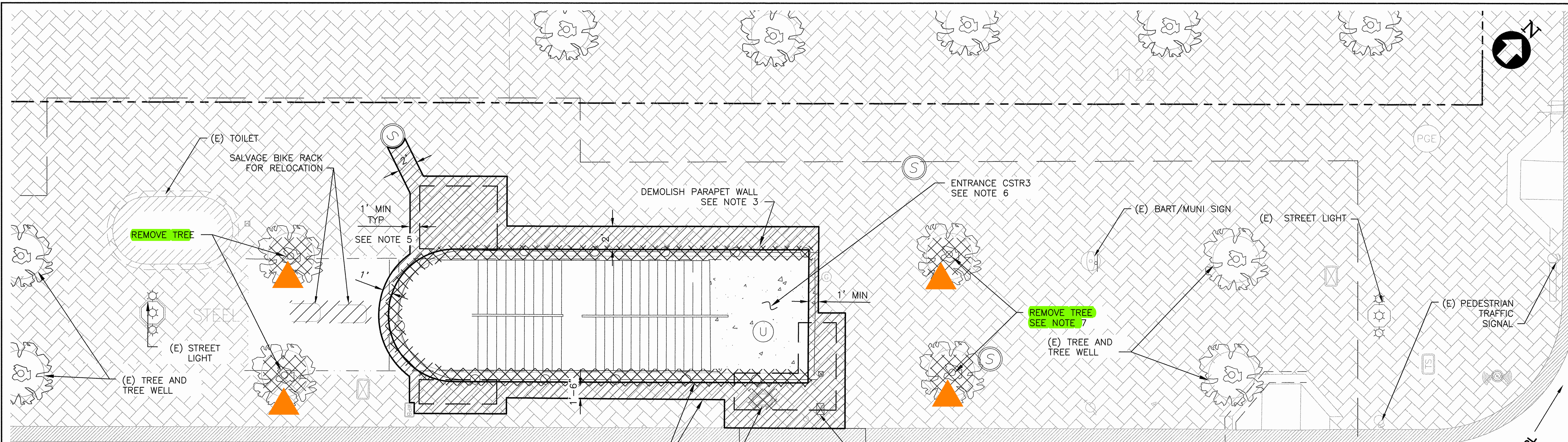
Signature of Applicant/Authorized Agent

7/27/2020


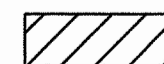
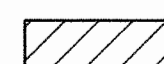
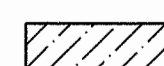

Date

\_\_\_\_ Property Owner  Authorized Agent

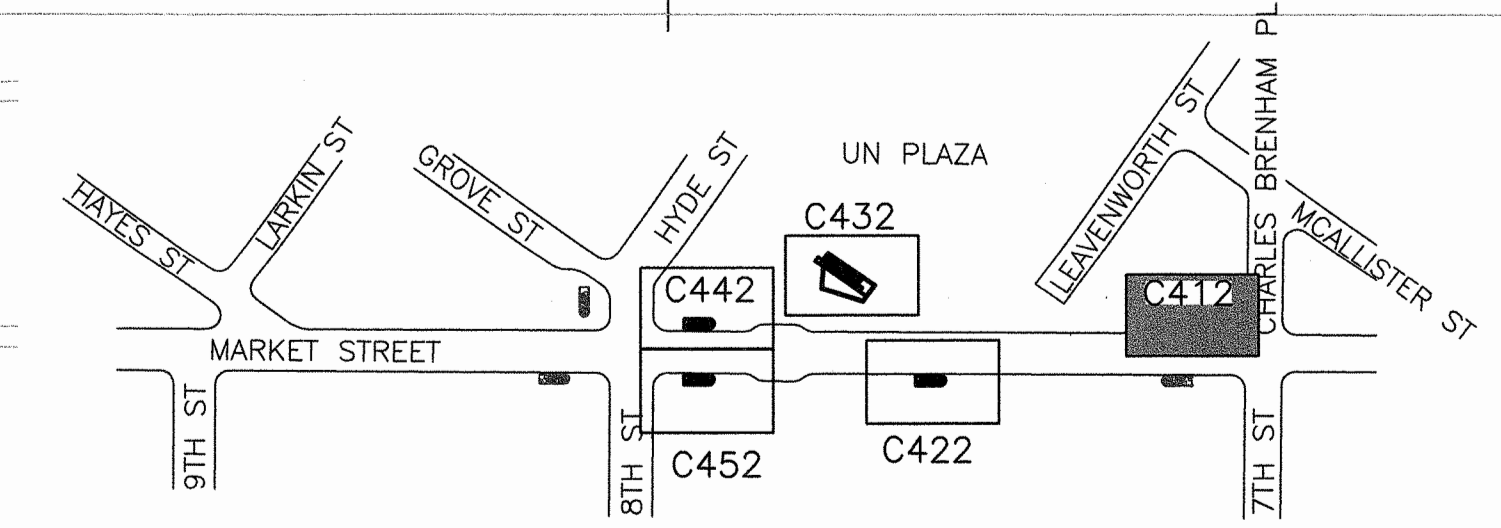




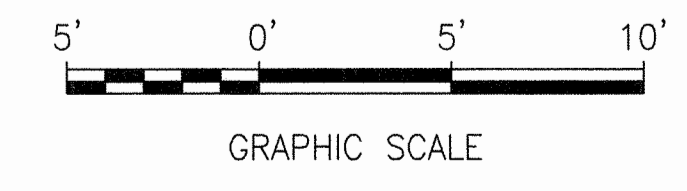
**DEMOLITION LEGEND**

-  DEMOLISH
-  RELOCATE
-  BRICK PAVING REMOVAL
-  CURB REMOVAL
-  PROPOSED CANOPY FOOTING  
SEE STRUCTURAL DRAWINGS

- NOTES:**
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PLAN 1  
C412





REV.	DATE	BY	SUB	APP.	DESCRIPTION
P	3/13/19				ISSUED FOR BID

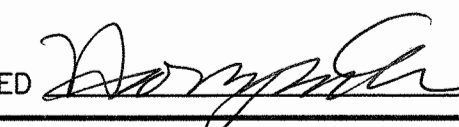

DESIGNED:  
H. LUU  
DRAWN:  
H. LUU  
CHECKED:  
E. SCHELLER  
APPROVED:  
K. LITTLE  
DATE:  
3/13/19



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

AETYPIC INC.  AETYPIC

STV INC.  STV 100 Years

SUBMITTED  APPROVED 

**MARKET STREET ENTRY CANOPIES  
CIVIC CENTER STATION (M-40)**

CANOPY NO. 18 (CSTR3)  
DEMOLITION AND REMOVAL PLAN

CADD FILENAME: M40C412.DWG  
SIZE: D SCALE: 1"=5'  
CONTRACT NO. 15LK-140 REV. P  
CONTRACT SHEET NO. C412 PAGE NO. 100



# APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to : City and County of San Francisco, PO Box 7461, San Francisco, CA 94120-7461

Check payable to: CCSF – DPW – BUF | Telephone: 415-641-2676 | Fax: 415-522-7684



London Breed  
Acting Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
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tel 415-554-5810

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

DATE 7/26/2020 APPLICATION # \_\_\_\_\_ APPROVED BY \_\_\_\_\_

# TO REMOVE 53 SPECIES Platanus x hispanica Sycamore

# TO PLANT \_\_\_\_\_ SPECIES \_\_\_\_\_

Subject to in lieu fees

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Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Street Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

Sig. Tree(s) \_\_\_\_\_ Species \_\_\_\_\_

page 2

## REASON FOR REMOVAL

15LK-140 San Francisco Bay Area Rapid Transit(BART) Market Street Canopies Project

## SITE INFORMATION

Site Address: 1145 Market St. Zip: 94103

Cross Street: Powell Block: 3702 Lot: 44

Owner Name: San Francisco Bay Area Rapid Transit(SF BART)

Phone: 510-287-4911 E-Mail: LPaez@bart.gov

## APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Shimmick Construction Company, Inc.

Applicant Name: Filip Filipić

Address: 8201 Edgewater Drive, Suite 202

City: Oakland State: CA Zip: 94621

Phone: 510-715-0163 E-Mail: ffilipic@shimmick.com

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Signature of Applicant/Authorized Agent

7/27/2020







Date

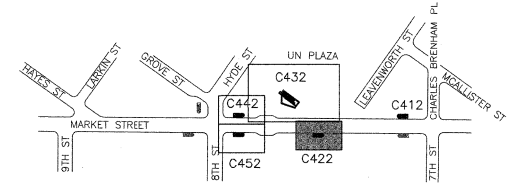
\_\_\_\_ Property Owner  Authorized Agent

NOTES:

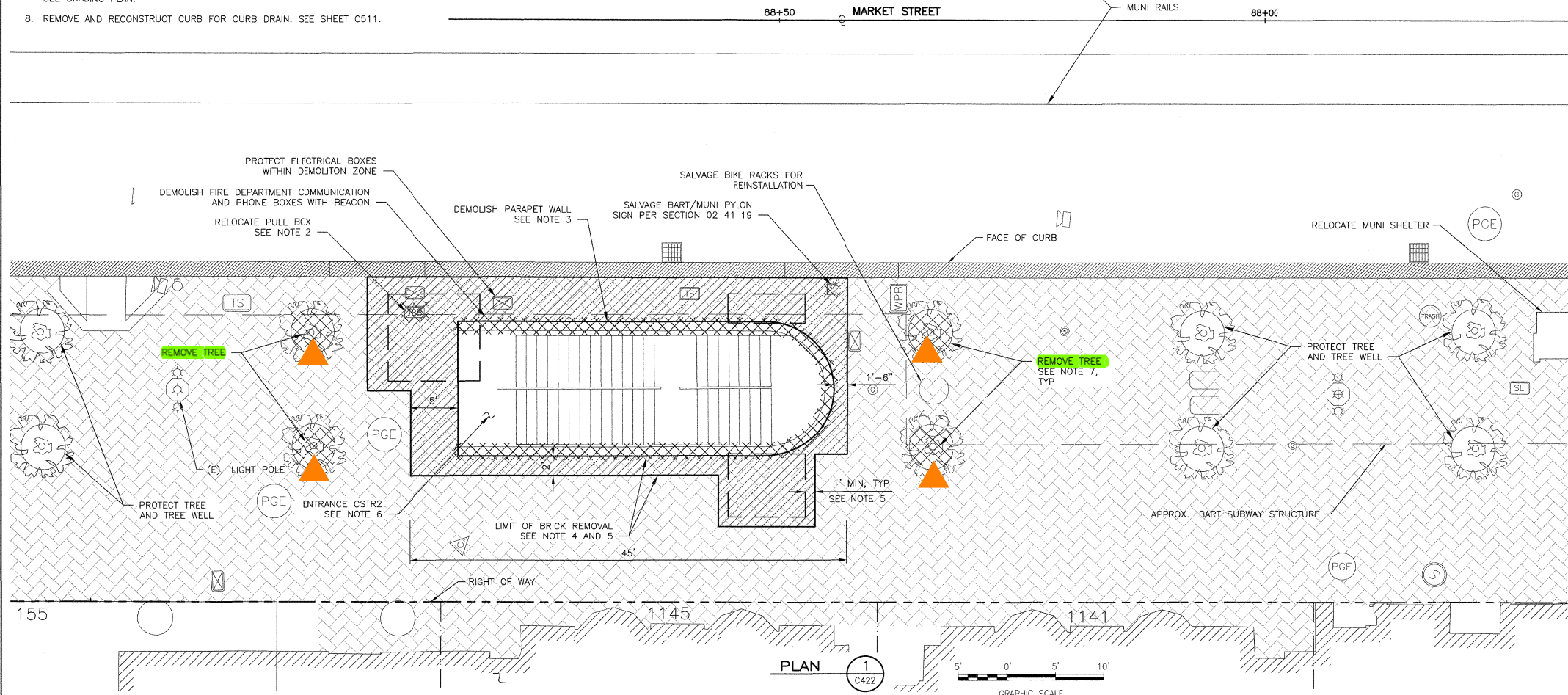
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DEMOLITION LEGEND

-  DEMOLISH
-  RELOCATE
-  BRICK PAVING REMOVAL
-  CURB REMOVAL
-  PROPOSED CANOPY FOOTING  
SEE STRUCTURAL DRAWINGS
-  AC PAVEMENT REMOVAL



KEY MAP - CIVIC CENTER STATION



<p>DESIGNED: H. LIU                  DRAWN: H. LIU                  CHECKED: E. SCHELLER                  APPROVED: K. LITTLE                  DATE: 3/13/19</p>				<p>REGISTERED PROFESSIONAL ENGINEER                  HARRY M. LITTLE                  No. CS3416                  CIVIL                  STATE OF CALIFORNIA</p>		<p>SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT                  AETYPIC INC. AETYPIC                  STV INC. STV 100</p>		<p>MARKET STREET ENTRY CANOPIES                  MONTGOMERY STREET STATION                  CANOPY NO. 20 (CSTR2)                  DEMOLITION AND REMOVAL PLAN</p>		<p>CADD FILENAME: M40C422.DWG                  SIZE: SCALE: 1"=5'                  CONTRACT NO. 15LK-140                  CONTRACT SHEET NO. C422</p>		<p>REV. P                  PAGE NO. 105</p>
P	3/13/19			ISSUED FOR BID								
REV.	DATE	BY	SUB	APP.	DESCRIPTION	REV.	DATE	BY	SUB	APP.	DESCRIPTION	

# PUBLIC COMMENT

## Longaway, Alec (BOA)

---

**From:** Shawna J. McGrew <sunsetfog@aol.com>  
**Sent:** Saturday, August 14, 2021 8:46 AM  
**To:** Longaway, Alec (BOA)  
**Subject:** Market St trees

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Trees are called the "Lungs of the Earth" They are good for the well being of people, birds & good insects and CLEAN THE AIR  
Why do you want to destroy them When they help Climate change and beautify Market St the trees hide much of the dirty streets  
Take an example of how the trees were saved at the music concourse in Golden Gate Park and still hve the under groud parking  
DO NOT CUT DOWN THE TREES  
Shawna McGrew  
Sunsetfog@aol.com

## Longaway, Alec (BOA)

---

**From:** Arielle Lara <ALara@sflg.com>  
**Sent:** Friday, October 8, 2021 9:59 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal for Tree Removal

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern:

I am an employee in a business located within 575 Market Street in downtown San Francisco. Our business was notified of the potential tree removal and possibility for appeals and I would like to submit my response.

I start work at 8:30 a.m. every Monday through Friday. From that time until 5:00 p.m. I am typically indoors, at my job. As trivial as it sounds, those trees are something to look forward to at the end of the day. Removing the trees would be detrimental to the emotional and spiritual health of everyone and everything that came across them. They break up the hustle and bustle of downtown San Francisco that unites its commercial use as well as its urban use of the area. It relieves the area of looking like a boxed out, closed up, concrete prison where everything is the same, only open for a period of time.

Although I am being rather extreme in my descriptions, I mean every word. Unless there is a plan to cover the areas where the trees were so that the dirt is removed and bricked over, it also makes no sense to use tax dollars for the removal of something that offers more positives to the areas than negatives. Paving over the streets with brick would or could shut down some side walk areas, block the public from some transportation use, but DEFINITELY also prompt more options for the homeless to camp on. The removal may also be near the bottom of the city's "Clean-Up-San-Francisco-To-Do-List," even though it should not be on it at all.

Thank you for your time.

**Arielle Lara, Receptionist** | SCHOENBERG FAMILY LAW GROUP, P.C.  
575 Market Street, Suite 4000 | San Francisco, CA 94105  
Tel: 415.834.1120 | Fax: 415.834.1121  
[alara@sflg.com](mailto:alara@sflg.com) | [www.sflg.com](http://www.sflg.com)



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## Longaway, Alec (BOA)

---

**From:** Thea Boodhoo <tharkibo@gmail.com>  
**Sent:** Wednesday, October 13, 2021 11:36 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Opposed to Public Works Order 205249

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello, I'm a San Francisco voter living in Mid Market near one of these new structures over the BART/MUNI entrance at Civic Center. The structure does absolutely nothing of benefit for this neighborhood. In fact it seems to provide cover for illicit activity. People congregate behind it and fill up the sidewalk, forcing passerby to go around the structure into the bike lane. It's the same deal as the bus shelter on Mission at 8th that was recently removed for this exact reason. More of these structures on Market aren't going to help anything this neighborhood is struggling with, and given the existing example, will make our problems worse. Established trees, on the other hand, are well proven to reduce crime and make the neighborhood a nicer place for everyone. I strongly encourage the Board to rethink this plan, keep the trees, and ditch the structures.

Thank you for listening,

Thea Boodhoo  
Mid Market resident  
San Francisco voter since 2002

## Longaway, Alec (BOA)

---

**From:** Vicky Hoover <vicky.hoover@sierraclub.org>  
**Sent:** Thursday, October 14, 2021 1:43 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal # 21-077; BART tree appeals

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a 36-year resident of San Francisco, I wish to voice my concern and strong opposition to the steady removal of mature street trees in San Francisco. And these trees are NOT being replaced.

Even if they were being replaced, removing a mature, shade giving, carbon-sequestering tree and replacing it with a puny, small sapling that will be difficult to establish is NOT A SUBSTITUTE.

In today's era of global warming and excessive carbon emissions, we cannot afford to lose the carbon sequestering capabilities of so many of our mature trees.

As the climate warms, our neighborhoods need the shade more and more. They also need the green semblance of Nature. For people who do not have the means to travel to remote parks and wild nature areas, bringing Nature close to home is vital. Disadvantaged neighborhoods tend to have the smallest amount of urban greening; that is unfortunate--but the City of San Francisco has the power to right that longstanding wrong.

And Governor Newsom has made California the first state to adopt a "30 by 30" official policy -- conserving 30 percent of our lands and coastal waters by 2030--that most emphatically includes urban green spaces, and that means TREES. The executive order specifically refers to urban green spaces for their ability "to accelerate natural carbon removal and build climate resilience in our forests, wetlands, **urban green spaces**, [emphasis added] (etc.)"

Why is San Francisco ignoring the state's policy and the governor's executive order of a year ago, in October 2020? San Francisco has a progressive reputation, but replacing our precious tree canopy for the sake of fancy roofs for BART stations or other purposes is NOT progressive; and it does not help promote urban biodiversity.

San Francisco's tree canopy is already distressingly low, compared with other cities. According to San Francisco, Planning (<https://sfplanning.org/urban-forest-plan>) "*San Francisco has one of the smallest tree canopies of any major U.S. city. Today, the City's urban tree canopy (13.7%), measured by the amount of land covered by trees when viewed from above, is one of the smallest of any large U.S. city – less than Los Angeles (21%), Chicago (17%) and New York City (24%) – and unfortunately, it's sinking even lower.*

DO San Franciscans care about Nature? But all these tree removals make it appear that the city does not; I am disappointed in my city.

Vicky Hoover  
735 Geary St. #501  
San Francisco, CA 94109



## Longaway, Alec (BOA)

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**From:** Rosenberg, Julie (BOA)  
**Sent:** Friday, October 22, 2021 10:44 AM  
**To:** Longaway, Alec (BOA)  
**Subject:** FW: BART/Muni Station Canopy Structures

Hi Alec: I spoke with Mr. Jarnutowski, and he would like to include his email, below, with the public comment for the tree appeals. Please add it to the supporting documents.

Julie Rosenberg  
Executive Director, San Francisco Board of Appeals  
49 South Van Ness Avenue, Suite 1475  
San Francisco, CA 94103

The Board's physical office is open to the public by appointment only. Please email [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) or call 628-652-1150 if you would like to meet with a staff member.

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**From:** BoardofAppeals (PAB) <[boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)>  
**Sent:** Thursday, October 21, 2021 4:38 PM  
**To:** Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)>  
**Subject:** FW: BART/Muni Station Canopy Structures

Alec Longaway  
Legal Assistant, San Francisco Board of Appeals  
49 South Van Ness, Suite 1475  
San Francisco, CA 94103  
Work PH: 1-628-652-1152  
Cell: 1-415-746-0119

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**From:** [Brian.F.Jarnutowski@wellsfargo.com](mailto:Brian.F.Jarnutowski@wellsfargo.com) <[Brian.F.Jarnutowski@wellsfargo.com](mailto:Brian.F.Jarnutowski@wellsfargo.com)>  
**Sent:** Thursday, October 21, 2021 2:47 PM  
**To:** BoardofAppeals (PAB) <[boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)>  
**Cc:** [hawespij@wellsfargo.com](mailto:hawespij@wellsfargo.com); [Phillip.D.Sasso@wellsfargo.com](mailto:Phillip.D.Sasso@wellsfargo.com); [rustial@wellsfargo.com](mailto:rustial@wellsfargo.com)  
**Subject:** BART/Muni Station Canopy Structures

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Dear City and County of San Francisco,

I represent Wells Fargo for the property at 333 Market Street and would like to submit the following items for consideration in hopes that they will be address in the October 27, 2021 hearing.

1. Will the project encroach onto the owner's property at the referenced address? If so, an agreement with the property owner will be required prior to the commencement of this project.
2. If trees are impacted, will the city be responsible for replanting or remediation (or for reimbursing property owners for the costs of doing so)?
3. What protections will be in place to ensure the building, its occupants and visitors will be safe and unaffected by the performance of this work? What about dust, debris and noise mitigation measures? Will there be daily cleanup at the end of each day's work? Will any hazardous conditions exist?
4. Will the sidewalk and access to Wells Fargo's retail and building entrances be affected and will visibility of Wells Fargo's signs be preserved? Will access to BART/MUNI be maintained throughout the project at this location?
5. What is the duration of this project as it pertains to the 333 Market location – (e.g., start and end dates)
6. Who will be the City's representative (i.e., contact person) for this project if there are issues, requests for information or other concerns?
7. Please confirm that the City will be responsible for all injuries/damages caused during this project and will be responsible for the restoration of the surrounding area upon completion.

Brian F. Jarnutowski

Property Portfolio Manager  
Corporate Properties Group

Wells Fargo Bank I 333 Market Street, 11<sup>th</sup> Floor I San Francisco I CA 94105  
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[brian.f.jarnutowski@wellsfargo.com](mailto:brian.f.jarnutowski@wellsfargo.com)

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